

*United States Court of Appeals
for the
District of Columbia Circuit*



**TRANSCRIPT OF
RECORD**

3-4

5/2

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23,840

STANLEY LAWRENCE GRUCA,

Appellant,

v.

SECRETARY OF THE ARMY,

Appellee

Appeal from the United States District Court
for the District of Columbia

APPENDIX

United States Court of Appeals
for the District of Columbia Circuit

FILED MAR 13 1970

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Relevant Docket Entries

| <u>Date</u> | <u>Proceedings</u> |
|-------------|---|
| <u>1969</u> | |
| Nov. 20 | Petition for Writ of Habeas Corpus. filed |
| Nov. 20 | Order directing respondent, Secretary of Army to appear in Court on December 5, 1969 at 10:00 a.m. to show cause. (N) Hart, J. |
| Nov. 20 | Rule to show cause and copies issued; ser: A.G. 11-21-69 |
| Dec. 4 | Return and Answer of respondent to Rule to show cause; c/s 12/4/69. Government Exhibits 1 thru 5. filed |
| Dec. 5 | Order to show cause heard and taken under advisement. (Rep: Rita Quick) Matthews, J. |
| Dec. 17 | Memorandum discharging rule to show cause and dismissing petition. (Proposed findings of fact and conclusions of law and order to be presented) (N) Matthews, J. |
| <u>1970</u> | |
| Jan. 5 | Findings of Fact, Conclusions of Law and Order discharging rule to show cause, dismissing petition and denying application for stay of order pending appeal. (N) Matthews, J. |
| Jan. 5 | Notice of Appeal by petitioner from order of Jan. 5, 1970. (Copy sent to U.S. Atty.) filed |

PETITION FOR A WRIT OF HABEAS CORPUS
(Filed Nov. 20, 1969)

Petitioner, Stanley Lawrence Gruca, alleges:

1. Petitioner is a Private E2 in the United States Army, service number US 51845280/274 46 3408. He is being unlawfully restrained and detained by respondent, Secretary of the Army, because, as more particularly stated hereafter, (a) petitioner was inducted into the Army pursuant to an unlawful order of his Selective Service Board, and (b) the Department of the Army unlawfully denied his request to be discharged from the Army because of his conscientious objection, by reason of religious training and belief, to participation in war in any form.

2. The Court has jurisdiction of this cause under 28 U.S. Code §§2241 et seq. by reason of the facts that the respondent is within the jurisdiction of the Court and no other United States District Court has habeas corpus jurisdiction in the premises. Petitioner was last stationed at the U. S. Army Field Artillery Center and Fort Sill, Fort Sill, Oklahoma. He was granted leave for the period from November 7, 1969, until December 3, 1969, with orders to report on the latter date to Fort Lewis, Washington, for transportation to Vietnam. Under Army Regulations (Circular No.

680-1, paragraph 2), petitioner is now included in the category of reassigned transient personnel, the accountability for whom is assumed by Headquarters, Department of the Army.

3. On November 10, 1969, petitioner filed a petition for a writ of habeas corpus in the United States District Court for the Western District of Oklahoma, naming as respondents the Commanding General of the U. S. Army Field Artillery Center and Fort Sill and the Secretary of the Army. The grounds alleged in that petition were the same as those alleged herein. On November 17, 1969, the District Court for the Western District of Oklahoma, dismissed the petition without determining the legality of petitioner's detention, on the ground that by reason of Circular No. 680-1 petitioner was no longer in custody in the Western District of Oklahoma.

FIRST CAUSE OF ACTION

4. Petitioner was born on March 16, 1949, and after he reached 18 years of age duly registered with the Selective Service System and was assigned Selective Service No. 33-100-49-216 under Selective Service Local Board No. 100, Post Office Building, Ravenna, Ohio 44266, having jurisdiction in Portage County, Ohio.

5. In July 1968, petitioner filed with the Board Form SS150, requesting classification as a conscientious objector (Class I-O) opposed to both combatant and non-combatant service in the armed forces. The Board denied the application and classified him I-A. Petitioner duly appealed and was classified I-A by the State Appeal Board on November 6, 1968. On February 19, 1969, petitioner was ordered to report for induction on March 27, 1969. He reported, was found acceptable, was ordered to submit to induction, and did so.

6. The induction order and the induction were unlawful and in violation of §6(j) of the Military Selective Service Act, as amended, 50 App. U.S.C. §456(j), because the refusals to classify petitioner as a conscientious objector in Class I-O had no basis in fact, and were arbitrary and based on misapplication of the statute and regulations.

SECOND CAUSE OF ACTION

7. For his second cause of action the petitioner incorporates herein the allegations of Paragraphs 1 through 6 hereof, and says further as follows:

8. After petitioner was inducted he was transported by the United States to Fort Campbell, Kentucky, and then to Fort Knox, Kentucky, where he underwent the Army's program of conditioning and training for military service. As a result of this experience and as a result of further deliberation upon and growth of his religious beliefs and his conscientious objection, his convictions against participation in war and service in the Army became stronger. Thus he became eligible for discharge from the Army as a conscientious objector under Army Regulation 635-20.

9. On May 26, 1969, petitioner made application for separation and discharge from the United States Army as a conscientious objector, pursuant to the said Army Regulation 635-20.

10. On or about August 26, 1969, the Department of the Army disapproved petitioner's application for separation and discharge as a conscientious objector, but such disapproval had no basis in fact and was based upon a misinterpretation and misapplication of the law, regulations and evidence, and was arbitrary, illegal and in violation of Army Regulation 635-20 and §6(j) of the Military Selective Service Act, as amended.

11. In order to preserve the jurisdiction of the Court, to minimize the unlawful deprivation of petitioner's liberty, and to permit him to consult with his attorneys and to participate in the prosecution of this case, it is necessary that petitioner not be required to report to Fort Lewis or to other military duty and that he not be transported to Vietnam pending disposition of this cause.

12. Petitioner has exhausted all available and effective administrative remedies and has been denied release. Petitioner has no further adequate or speedy remedy except for a writ of habeas corpus.

WHEREFORE, upon each cause of action, petitioner prays:

A. That a writ of habeas corpus be issued, or, in the alternative, that an order to show cause be issued directing respondent to show cause, if any he has, why petitioner should not be released from restraint and detention;

B. That respondent be ordered not to require petitioner to report to Fort Lewis, Washington, or to any other military installation or to military duty, pending the hearing and disposition of this petition;

C. That the Court order respondent to separate and discharge

petitioner from the United States Army forthwith and thereafter to cease and desist from all efforts to enforce any jurisdiction, custody, or control over the petitioner; and

D. For such other relief as may be appropriate.

ORDER
(Filed Nov. 20, 1969)

This matter having come before the Court on petition for a writ of habeas corpus, it is by the Court this 20th day of November, 1969,

ORDERED, that the respondent, Secretary of the Army, appear before the court in the United States Courthouse, Washington, D.C., at the hour of 10:00 a.m. on the 5th day of Dec., 1969, to show cause, if any there be, why the petitioner, Stanley Lawrence Gruca, should not be discharged and released from military service.

s/ G. L. Hart, Jr.
JUDGE

RETURN AND ANSWER TO RULE TO SHOW CAUSE
(Filed Dec. 4, 1969)

Comes now the respondent, Stanley Resor, Secretary of the Army, by his attorney, the United States Attorney in and for the District of Columbia, and makes the following return and answer to the rule to show cause issued herein:

1. Petitioner, Stanley L. Gruca, a private in the United States Army, filed a petition for a writ of habeas corpus on November 20, 1969, in which he alleges that his detention in the Army is illegal in that he was invalidly inducted into the Army pursuant to an unlawful order of his Selective Service Board, and that the Army unlawfully denied his application for discharge by reason of conscientious objection. At the time this petition was filed, petitioner had received orders to report to Fort Lewis, Washington on December 3, 1969 for transfer to Viet Nam. Respondent represented to the Court on November 20, 1969, that petitioner would not be transferred until the hearing on the rule to show cause issued herein on November 20, 1969, was held on December 5, 1969.

2. Respondent admits that petitioner is a member of the

United States Army, but denies that his detention in the Army is illegal.

3. Respondent respectfully advises the Court that petitioner was inducted into the Army on March 27, 1969. Prior to induction, he had applied for classification as a conscientious objector to Selective Service Board No. 100, Ravenna, Ohio. His application for classification as a conscientious objector was denied by his local Selective Service Board, and on September 11, 1968, he was classified IA, available for military service. Petitioner appealed this classification, and after consideration by the Appeal Board, his IA classification was affirmed. Petitioner thereupon submitted to induction. (See Government Exhibit 1.)

4. Petitioner received his basic training instruction at Fort Knox, Kentucky. On May 26, 1969, only two months after induction, he applied for discharge from the Army on a claim of conscientious objection pursuant to Army Regulation 635-20 (hereafter AR 635-20). (See Government Exhibit 2.) In conformity with AR 635-20, petitioner was interviewed by a chaplain, Major Roger D. M. Harano, by a psychiatrist, Captain John B. Crane, and by another officer knowledgeable in conscientious objector matters, Major Harold L. McDonald at Fort Knox, Kentucky. The reports and findings of these interviews, along

with petitioner's application, and the Selective Service application for discharge were reviewed by the Army Conscientious Objector Review Board. On August 25, 1969, petitioner's application for discharge was denied based on a finding that it was "based on professed views against participation in war prior to induction which are not truly held." (See Government Exhibit 3 and 4.)

5. Petitioner contends, without setting forth any factual basis therefore, that the action of the Selective Service in denying his exemption from service on a claim of conscientious objection had no basis in fact. Respondent respectfully submits that since petitioner has alleged no facts to support this bald conclusion, he has failed to sustain his burden of showing that his detention is illegal. In addition, respondent would note that the burden is on the selective service registrant to show that he is entitled to classification as a conscientious objector (Dickinson v. United States, 346 U.S. 390 (1953), and the scope of judicial review is exceedingly narrow. United States v. Washington, 392 F. 2d 37 (6th Cir. 1968).

The evidence upon which the court is to predicate

its determination whether there is a basis in fact for the classification is that upon which the local board and appeal Board acted, viz., the facts appearing in the registrant's selective service file.

United States v. Wider, 119 F. Supp. 676, 681 (E.D.N.Y. 1954).

Since petitioner has alleged no facts upon which the Court may act, the contention has no merit.

6. Furthermore, respondent respectfully submits that the allegation that the Selective Service Board had no basis in fact for denying petitioner's application for exemption as a conscientious objector may not be raised at this time.

Exemption from military service based on a claim of conscientious objection is not a constitutional right, but is a matter of legislative grace. United States v. Jennison, 402 F. 2d 51 (6th Cir. 1968), cert. denied, 39 S. Ct. 1024 (1969). Brown v. McNamara, 387 F. 2d 150 (3rd Cir. 1967), cert. denied, 390 U.S. 1005 (1968); Richter v. United States, 181 F. 2d 591 (9th Cir. 1950); Clark v. United States, 236 F. 2d 13 (9th Cir. 1956), cert. denied, 352 U.S. 883 (1956). Petitioner, after failing to satisfy his burden of showing that he came within the exemption, submitted to induction in the United States Army. He could have,

but chose not to challenge the Selective Service System's decision by way of a petition for a writ of habeas corpus immediately following induction, Orloff v. Willoughby, 345 U.S. 83 (1953); Cox v. Wedemeyer, 192 F. 2d 920 (9th Cir. 1951) or by refusing induction and submitting to prosecution under 50 U.S.C. App. Section 462, where a claim of invalid classification would be a valid defense. Witmer v. United States, 348 U.S. 375 (1955); Dickinson v. United States, supra. Since petitioner submitted to induction and served for two months before applying for discharge pursuant to Army regulations, it is respectfully submitted that he has waived the right to the very limited judicial review which would have been available at the time of his induction. In this connection, respondent would note that the courts have recognized that a claim of exemption from the armed forces based on conscientious objection must be timely made. United States v. Gearey, 368 F. 2d 144 (2nd Cir. 1966); 379 F. 2d 915 (2nd Cir. 1967); Thompson v. United States, 380 F. 2d 86 (10th Cir. 1967); United States v. Beaver, 309 F. 2d 273 (4th Cir. 1962), cert. denied, 371 U.S. 951 (1963). Failure to assert the privilege of exemption constitutes a waiver of

that privilege. Pickens v. Cox, 282 F. 2d 784 (10th Cir. 1960). Boyd v. United States, 269 F. 2d 607 (9th Cir. 1959); United States v. Bonga, 201 F. Supp. 908 (D. Mich. 1962). Since petitioner was afforded all the procedural safeguards within the Selective Service System, his laches in raising the question of the legality of his classification until his application for discharge under Army Regulation 635-20 was denied, constitutes a waiver of the privilege.

7. Petitioner contends, alternatively, that the Army had no basis in fact for denying his application for discharge pursuant to AR 635-20. Again, he has alleged no facts to support this bald conclusion.

8. Respondent respectfully submits that the determination by the Army denying petitioner's application for discharge is final and binding unless there was no basis in fact for the decision.

Hammond v. Lenfest, 398 F. 2d 705 (2d Cir. 1968). This very narrow scope of review is the same as that employed in reviewing the Selective Service Board's classification under 50 U.S.C. App. 456 (j). Estep v. United States, 327 U.S. 114 (1945); Witmer v. United States, 348 U.S. 375 (1954). The Court should

not look for substantial evidence to support the denial. Dickinson v. United States, 346 U.S. 389 (1953).

9. The denial of Gruca's application was based on Department of Defense Directive 1300.6 (DOD 1300.6) (see Government Exhibit 5) and AR 635-20. The Army found that Gruca's professed conscientious objection became fixed prior to induction, and could not be considered under AR 635-20, para. 3. In addition, the Board found that Gruca's alleged conscientious objection was not sincerely held.

10. As to the first basis for denial, the record reflects that Gruca claimed that he was a conscientious objector prior to induction. His Selective Service file reflects that he registered with Local Board No. 100, Portage County, Ravenna, Ohio on April 14, 1967. He did not claim to be a conscientious objector. On May 17, 1967, he was classified I S H. On March 16, 1968, Gruca completed a current data questionnaire, and again failed to assert any claim to exemption by reason of conscientious objection. In April, 1968, Gruca was ordered to report for a physical examination on May 13, 1968, at which time he was found acceptable for induction. He was notified of this fact on May 20, 1968. On June 20, 1968, Gruca requested that he be supplied with Selective Service Form 150, which

is the application for exemption by reason of conscientious objection. At that time Gruca reported that he had not earlier requested such a classification "because I was thinking about this."

Gruca completed the Form 150 on July 3, 1968. He described the nature of his beliefs as follows:

The Supreme Being said that all people was to be created equal and to love thy neighbor. That is my belief.

He stated that he received the training and acquired the belief forming the basis of his claim from his parents and neighbor, and exhibited his beliefs in refusing to argue with his co-workers. He also asserted that he was not a member of a religious sect or organization.

Gruca appeared before the Local Board on September 10, 1968, and on September 11, 1968, he was classified IA. He appealed the denial of his application by letter dated October 6, 1968, and the decision of the Local Board was affirmed by the Appeal Board on November 6, 1968. Thereupon, on February 19, 1969, he was ordered to report for induction on March 27, 1969.

11. In comparing the basic claims made to the Selective Service

and the Army, it is clear that they are identical. Gruca asserted his belief before Selective Service as follows:

The Supreme Being said that all people was to be created equal and to love thy neighbor. That is my belief.

In his application under AR 635-20 he stated:

I believe in a Supreme Being. It stated in the Bible that all men are created equal. Thy [sic] shall not kill. It is not right to kill anybody regard [sic] of race, creed, or color.

In both applications, he stated that this belief came from his mother. Therefore, pursuant to AR 635-20, para. 3, since Gruca's alleged conscientious objection existed, and was claimed, prior to induction, his application was properly rejected.

11. The Army Board also found that petitioner's asserted conscientious objection was not sincerely held. Since "[t]he ultimate question in conscientious objector cases is the sincerity of the registrant in objecting on religious grounds, to participation in war in any form," (Witmer v. United States, 348 U.S. 375, 381 (1955), the finding of insincerity is crucial to the Army's denial of Gruca's application.

12. This factual finding was based on interviews conducted with Gruca by Major McDonald, Chaplain Harano, and the psychiatrist Captain Crane. The record of those interviews reflects that Captain Crane after finding no mental disorder had "considerable difficulty accepting the validity of his [Gruca's] remarks." Likewise, Chaplain Harano stated "It is evident that his religious background does not offer him good credentials for basing his application upon religious training." Major McDonald also noted the paucity of religious training and commented adversely on Gruca's demeanor at the interview. Gruca's own description of his religious training and belief consisted in a belief in God, and the observation that it is not right to kill. He stated he received this training from his mother, who is also the person upon whom he relies for religious guidance. Although he stated in his application that he relied on biblical teachings, both the Chaplain and Major McDonald found that he lacked religious training. He claimed no church membership, and, in fact, had not attended any church for as long as he could remember.

As the Supreme Court noted in United States v. Seeger, 380 U.S. 185 (1965)

But we hasten to emphasize that while the "truth" of a belief is not open to question, there remains the significant question whether it is "truly held." This is the threshold question of sincerity, which must be resolved in every case. It is, of course, a question of fact--a prime consideration to the validity of every claim for exemption as a conscientious objector.

380 U.S. 163, 185.

Here, that threshold question has been decided adversely to petitioner. It is respectfully submitted that this factual finding, relying on those who personally interviewed petitioner as well as the application and opinion by the Selective Service, has a basis in fact on the record. Consequently, the denial of the discharge application was invalid.

13. Attached hereto and made a part hereof are the following exhibits:

| Government Exhibit | Description |
|--------------------|--|
| 1. | Petitioner's Selective Service File |
| 2. | AR 635-20 |
| 3. | Petitioner's Army file relating to his application for discharge under AR 635-20 |

4.

A report of interview with
Major McDonald (This was in-
advertently omitted from the
certified copy of Exhibit 3)

5.

DOD 1300.6

WHEREFORE, respondent prays that the rule to show cause be dis-
charged and the petition dismissed.

EXCERPTS FROM GOVT. EX. 1, APPELLANT'S SELECTIVE SERVICE FILE

(Contents rearranged in chronological order.)

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1651

Kashmira, 23

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Page 10 of 10

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Office of the State Quorum of the
March 21, 1969
Year
(D. C.)
(Month)

Classification

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JOURNAL OF CLIMATE

SELECTIVE SERVICE SYSTEM

Form approved.
Budget Bureau No. 33-2102.11.

CLASSIFICATION QUESTIONNAIRE

Local Board No. 100
Portage County
2nd Flr., Post Office Bldg.
 Ravenna, Ohio 44266
(Local Board Stamp)



DATE QUESTIONNAIRE RETURNED
APR 17 1967

Portage County
Ravenna, Ohio

APR 12 1967
Date of Mailing

COMPLETE AND RETURN BEFORE APR 12 1967

Name of Registrant

ERIC GRUCA STANLEY
(Last) (First)

LAWRENCE
(Middle)

2. Selective Service No.

| | | | |
|----|-----|----|-----|
| 33 | 100 | 49 | 216 |
|----|-----|----|-----|

Mailing address

R.D. #1, Cableline Rd. Diamond Portage Ohio 44112
(Number and street or R.P.D. route) (City, town, or village) (County) (State) (Zip code)

(The above items, except the date received back at local board, are to be filled in by the local board clerk before the questionnaire is mailed.)

INSTRUCTIONS

The law requires you to fill out and return this questionnaire on or before the date shown to the right above in order that your local board will have information to enable it to classify you. A notice of your classification will be mailed to you. When the questions in any series do not apply, enter "NONE" or "DOES NOT APPLY."

The law also requires you to notify your local board in writing, within ten days after it occurs, of (1) every change in your address, physical condition and occupational, marital, family, dependency and military status, and (2) any other fact which might change your classification.

Fill out with typewriter or print in ink, except signatures.

Maileen Neale
Member of Clerk of Local Board

STATEMENTS OF THE REGISTRANT

Confidential as Prescribed in the Selective Service Regulations

Series L—IDENTIFICATION

Name

ERIC GRUCA STANLEY LAWRENCE
(Last) (First) (Middle)

2. Date of birth

MARCH 16, 1949

Other names used (If none, enter "None")

NO A.N.E.

4. Place of birth

NEW CASTLE PA.

(a) Color eyes (b) Color hair (c) Height (d) Weight
BROWN RED 6' 2" 175

6. Citizen or subject of (country)

CITIZEN

If naturalized citizen, give date, place, court of jurisdiction and naturalization number

DOES NOT APPLY

Current mailing address

R.D. #1, CABLELINE Rd. DIAMOND PORTAGE OHIO 44112
(Number and street or R.P.D. route) (City, town, or village) (County) (State) (Zip code)

Telephone No. (If none, enter "None")

355-2398

10. Social Security No. (If none, enter "None")

274-46-3408

Name and address of person other than a member of my household who will always know my address

MARY ANN T. GRIFFITT R.D. #1 DIAMOND OHIO
(Name) (Address)

Form 100 (Revised 9-22-64) Supplies of previous printings shall be used until exhausted.

(1)

22

20-10-1000

Series II.—MILITARY RECORD

(Use Page 6, if necessary)

- If you are now on or have been separated from active military service enter: (a) Armed Force D.O.F.S. A.I.C. 1
 (b) Service number (c) Date of entry 12-2-41
 (d) Date of separation (e) Character of service
 (f) Type of transfer or discharge
- If you are now a member of a Reserve component (including the National Guard) give: (a) Name and address of unit
 (b) Service number (c) Date of enlistment or appointment
- If you are now a member of a Reserve Officer Training Corps or any other officer procurement program, state the program, the Armed Force, date of entry, and any identifying number

Series III.—MARITAL STATUS AND DEPENDENTS

(Use Page 6, if necessary)

- (a) I (check one): have never been married; am a widower; am divorced; am married.
 (b) I (check one if applicable): DO DO NOT live with my wife; if not, her address is

- (c) We were married at (Place) on (Date)
 2. I have children under 18 years of age of whom live with me in my home.
 (Number) (Number)
- If you have no child, other than an unborn child, attach a statement from a physician showing the basis for his diagnosis of pregnancy and the expected date of birth.
- The following other persons are wholly or partially dependent upon me for support:

| Dependent Name | Relationship | Age | Approximate Income (Annual) | Answer Contributions by Me |
|-------------------|--------------|-----|-----------------------------------|-------------------------------|
| Address | | | \$ | \$ |
| Name | | | \$ | \$ |
| Address | | | \$ | \$ |
| Name | | | \$ | \$ |
| Address | | | \$ | \$ |
| Name | | | \$ | \$ |
| Address | | | \$ | \$ |

Series IV.—REGISTRANT'S FAMILY

(Use Page 6, if necessary)

List below all the living members of your immediate family who are 14 years of age or over (except those shown in Series III) including your father, mother, brothers, sisters, father-in-law, and mother-in-law.

| Relative | Relationship | Age | Can This Relative Contribute to Support of Claimed Dependents? |
|--|--------------|-----|--|
| Name <u>FRANK V. GRUCA</u> Address <u>D. #1 CABLELINE RD. DIAMOND, OHIO</u> | FATHER | 46 | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Name <u>ALICE M. GRUCA</u> Address <u>D. #1 CABLELINE RD. DIAMOND, OHIO</u> | MOTHER | 44 | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Name <u>FRANK M. GRUCA</u> Address <u>R.D. #1 CABLELINE RD. DIAMOND, OHIO</u> | BROTHER | 22 | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Name <u>JOSEPH V. GRUCA</u> Address <u>D. #1 CABLELINE RD. DIAMOND, OHIO</u> | BROTHER | 21 | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Name | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Name | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Name | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |

* If your answer is "Yes," state extent of ability to contribute in detail on page 6.

Series V.—OCCUPATION

(See Page 6, if necessary)

If Engaged in Agriculture, Also Fill in Series VI

1. I am now employed as a (Give full title, for example: construction draftsman, turret lathe operator, stationary engineer, farm laborer, physics teacher, policeman, marriage-license clerk, etc., if unemployed, so state.)

UNEMPLOYED STILL IN SEARCH

I do the following kind of work (Give a brief statement of your duties. Be specific.)

3. My employer is _____

(Name of organization or proprietor, not foreman or supervisor. Enter "Self" if self-employed.)

(Address of place of employment—Street, or R.P.D. Route, City, and State)

whose business is _____

(Name of business, service rendered, or chief product)

4. (a) I have been employed by my present employer since _____

(Month and year)

(b) I am paid at the rate of \$ _____ Per Hour Day Week Month.

(c) I work an average of _____ hours per week.

5. Other business or work in which I am now engaged is _____

(Nature of business, if none, enter "NONE")

6. Other occupational qualifications, including hobbies, I possess are _____

7. My work experience prior to that described in items 1 and 2, this series, is _____

8. I speak fluently the following foreign languages or dialects _____

9. I read and write well the following foreign languages or dialects _____

Series VI.—AGRICULTURAL OCCUPATION

(See Page 6, if necessary)

1. I have been engaged continuously in farmwork since DECEMBER NOT APPLY

(Month and year)

2. I am (check appropriate box): Sole owner-operator of a farm Joint owner-operator with another Hired manager Cash tenant or renter Standing rent tenant Sharecropper Share tenant Wage hand (hired man) Unpaid family worker.

3. I (check one): AM AM NOT personally responsible for the operation of the farm where I work.

4. The principal crops and livestock of the farm I operate or work on are:

| Names of Crops | Acres Devoted to Each | Kinds of Livestock | Number of Each Now on Farm |
|----------------|-----------------------|--------------------|----------------------------|
| | | | |
| | | | |
| | | | |
| | | | |

5. Principal products marketed during the last 2 years _____

6. Total value of products sold from this farm during the last crop year \$ _____

7. The number of year-round workers on this farm is _____ of whom _____ are hired hands.

(Number)

(Number)

8. Other farm experience _____

Series VII—MINISTER OR STUDENT PREPARING FOR THE MINISTRY

(Use Page 6, if necessary)

- I have been a minister of the since
(Name of sect or denomination) (Month) (Day) (Year)
and (check one): HAVE HAVE NOT been formally ordained.
- I was formally ordained at on (date) by
(Name and address of theological or divinity school)
under the direction of
(Name of church or religious organization)
- I am a student preparing for the ministry pursuing a full-time course of instruction at the
(Name and address of theological or divinity school)
- I am a student preparing for the ministry under the direction of
pursuing a full-time course of instruction at the
(Name of church or religious organization)
leading to my entrance into
(Name and address of school)
in which I have been pre-enrolled.
(Name and address of theological or divinity school)

Series VIII—CONSCIENTIOUS OBJECTOR

(DO NOT SIGN THIS SERIES UNLESS YOU CLAIM TO BE A CONSCIENTIOUS OBJECTOR)

I claim to be a conscientious objector by reason of my religious training and belief and therefore request the local board to furnish me a Special Form for Conscientious Objector (SSS Form 150).

(Signature)

Series IX—EDUCATION

(Use Page 6, if necessary)

- (a) I have completed years of Grade School, years of Junior High School, years of High School, years of Trade or Business School. I (check one): DID DID NOT graduate from High School.
(b) I am a full-time student at **SOUTHEAST HIGH SCHOOL** and expect to graduate on **JUNE 2, 1967**
(Name of high school)
(Date)
- (c) In Trade or Business School I pursued courses in
(Name and address of institution)
- (a) I have completed years of College, majoring in
at
(Name and address of institution)
and (check one): HAVE HAVE NOT received a degree.
(b) I have received the following degree(s)
(Degree—Date) (Degree—Date) (Degree—Date)
..... preparing for
(Occupation or profession)
- I am a full-time student at
majoring in
and expect to receive a degree on
(Date)

Series X—STATEMENT OF ALIEN

- I was admitted to the United States for (check one): PERMANENT RESIDENCE TEMPORARY RESIDENCE on
(Date of entry)

2. My Alien Registration Number is
If you have not been admitted to the United States for permanent residence, enter on page 6 a supplemental statement setting out the date you first entered the United States, with the dates of each subsequent departure and reentry when applicable. Attach copies of documentary evidence in your possession verifying your claimed alien status.

Series XI.—PHYSICAL CONDITION

(Use Page 6, if necessary)

1. If you were ever found not qualified for service in the Armed Forces state (a) when _____
(b) where _____
2. If you have any physical or mental condition which, in your opinion, will disqualify you for service in the Armed Forces, state the condition and attach a physician's statement.
N.D.C.
3. If you have ever been an inmate or a patient in a mental or tuberculosis hospital or institution, give the name and address of each hospital or institution, and the period of hospitalization.
N.C.E.

Series XII.—COURT RECORD

(Use Page 6, if necessary)

1. I (check one): HAVE HAVE NOT been convicted or adjudicated of a criminal offense or offenses, other than minor traffic violations. (If "HAVE" box is checked, complete this series.)

| Offense (other than minor traffic violations) | Date of Conviction (Month, Day, Year) | Court (Name and Location) | Sentence |
|---|---------------------------------------|---------------------------|----------|
| | | | |
| | | | |

2. I (check one): AM AM NOT now being retained in the custody of a court of criminal jurisdiction, or other civil authority. Specify _____

(Awaiting trial, on probation, on parole, etc.)

Series XIII.—SOLE SURVIVING SON

- I (check one): AM AM NOT the sole surviving son of a family of which the father or one or more sons or daughters were killed in action or died in line of duty while serving in the Armed Forces of the United States or subsequently died as a result of injuries received or disease incurred during such service.

REGISTRANT'S CERTIFICATE

INSTRUCTIONS.—You are required to make the registrant's certificate. If you cannot read, the questions and your answers shall be read to you by the person who assists you in completing this questionnaire. If you are unable to sign your name, you shall make your mark in the space provided for your signature in the presence of a person who shall sign as witness.

NOTICE.—Imprisonment for not more than 5 years or a fine of not more than \$10,000, or both such fine and imprisonment, is provided by law as a penalty for knowingly making or being a party to the making of any false statement or certificate regarding or bearing upon a classification. (Universal Military Training and Service Act, as amended.)

I CERTIFY that I am the registrant named and described in the foregoing statements in this questionnaire; that I have read (or have had read to me) the statements made by and about me, and that each and every such statement is true and complete to the best of my knowledge, information, and belief.

April 14, 1967
(Date)

Registrant
sign here

Stanley Lawrence Yurca
(Signature or mark of registrant)

(Date)

(Signature of witness to mark of registrant)

If anyone has assisted you in completing this questionnaire, such person shall sign the following statement: I have assisted the registrant herein named in completing this questionnaire because _____

(For example—registrant unable to read and write English, etc.)

(Signature of person who has assisted)

(Number and Street or R.F.D. Route)

Date _____

(City)

(State)

(Zip code)

| Dates | Minutes of Actions by Local Board and Appeal Board and on Appeal to the President | Vote | |
|----------|---|------|----|
| | | Yes | No |
| 1-2 1967 | 1-5-67 | 3 | 0 |
| 1-1967 | SSS FORM 110 MAILED REGISTRANT | | |
| 1-1967 | | | |
| 1-1967 | SSS FORM 120 MAILED REGISTRANT | | |
| 1-1967 | SSS FORM 127 MAILED | | |
| 1-10-68 | 1-10-68 | | |
| 1-11-68 | SSS FORM 223 MAILED REGISTRANT MAY 13 1968 | | |
| 1-12-68 | MAILED DD FORM 62 ACCEPT | | |
| 1-21-68 | Received request for SSS Form 150, form was mailed. | | |
| 1-6-68 | 150 received | | |
| 1-6-68 | 150 remailed to registrant for completion. | | |
| 1-8-68 | mailed letter requesting registrant with local board. | | |
| 1-10-68 | The registrant appeared before the local board at the boards request and according to regulations. The board wished to determine the registrant's request for a Conscientious Objector classification. The registrant's reason for request, apparently stemmed from a conversation with his mother stating that all violence was wrong against every living thing, this conversation being held approximately a year to a year and a half ago. The registrant nor his family attend church and have no religious affiliation except a Roman Catholic background of the parents. The registrant either could not or would not express his views to any degree. The board rebonched his classification. | | |
| 1-10-68 | 1-A | 5 | 0 |
| 1-11-68 | SSS Form 110 mailed registrant <u>110 form 217</u> | | |
| 1-12-68 | Letter of appeal from registrant and two letter from (1) his mother (2) a neighbor. | | |
| 1-13-68 | Memorandum Form EL 2-36 mailed registrant. File forwarded to Ohio State HQs. for transmittal to the Appeal Board. | | |
| 1-5-68 | Classified 1-A by Appeal Board | 3 | 0 |
| 1-13-68 | 110 form 217 returned from HQs. | | |
| 1-5-68 | SSS FORM 127 MAILED | | |

(Continue on Page 7)

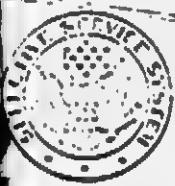
GPO 1964 740-107-7400-1

SELECTIVE SERVICE SYSTEM
MINUTES OF ACTION—CONTINUATION SHEET

Approval not required.

NAME OF REGISTRANT OR STANDBY RESERVIST
JROCA, Stanley Lawrence

SS OR SR NUMBER



SELECTIVE SERVICE SYSTEM

ADVICE OF RIGHT TO PERSONAL APPEARANCE AND APPEAL

Approv'd
Not Required

10

Local Board No. 109
Canton, Ohio
2nd Fl., Post Office Bldg
Kosciusko, Ohio 44266

(Local Board Stamp)

Stanley L. Graca

Date of mailing

Aug. 2, 1967
(Month) (Day) (Year)

Selective Service No.

33 100 49 215

Enclosed is your Notice of Classification (SSS Form 110). Your right to ask for a personal appearance or an appeal within 30 days is prescribed on the reverse side of that Notice of Classification.

Each local board has available a Government Appeal Agent to aid you with a personal appearance, an appeal, or any other procedural right. The Appeal Agent or his representative will give you legal counsel on Selective Service matters only at no charge.

If you should desire a meeting with him, this office will arrange a time and place for such meeting upon request.

.....Donald J. Batach.....
(Member or Clerk of Local Board)

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**SELECTIVE SERVICE SYSTEM
CURRENT INFORMATION QUESTIONNAIRE**

Form Approved
Budget Bureau 16-11-2178.10.

Local Board No. 100
Portage County
2nd Flr., Post Office Bldg
Ravenna, Ohio 44266

(Local Board Sump)

Stanley L. Gruca



Local Board No. 100
DATE QUESTIONNAIRE RETURNED
MAR 19 1958

Portage County
Ravenna, Ohio

| Selective Service No. | Date of birth | Class |
|-----------------------|---------------------------|-------|
| 33 100 49 216 | March 16 (Month) (Day) | |

Date of Mailing MAR 8 1958

COMPLETE AND RETURN BEFORE MAR 16 1958

The law requires you to fill out and return this questionnaire on or before the date shown to the right above in order that your local board will have current information to enable it to classify you. When the questions in any series do not apply, enter "DOES NOT APPLY", or "NONE". You may attach any additional information you believe should be brought to the attention of the local board. After completing the statements be sure to date the form and sign your name. **FILL OUT WITH TYPEWRITER, OR PRINT IN INK.**

Member or Clerk of Local Board

**STATEMENTS OF THE REGISTRANT
CONFIDENTIAL AS PRESCRIBED IN THE SELECTIVE SERVICE REGULATIONS**

Series I.—MAILING ADDRESS

1. Name(s) and address(es) of persons(s) other than a member of your household who will always know your address Mrs. VONALIE TACKETT
FREE LINE Rd. R.D.#1
Diamond, Ohio
2. My current mailing address is FREE LINE Rd. R.D.#1 Diamond, Ohio
3. My telephone number (home or business) is 358-2305 (ZIP code)

Series II.—MARITAL STATUS AND DEPENDENTS

- (a) I (Check one) HAVE NEVER BEEN MARRIED AM A WIDOWER
 AM MARRIED AM DIVORCED
- (b) I (Check one) DO DO NOT live with my wife; if not, her address is DOES NOT FPL
- (c) We were married at _____ on _____ (Date)
2. (a) I have the following children under 18 years of age (Place) who live with me in my home: Name DOES NOT FPL Age _____ Name _____ Age _____
Name _____ Age _____ Name _____ Age _____
- (b) If you have no child other than an unborn child, attach a statement from a physician showing the basis for his diagnosis of pregnancy and the expected date of birth.
3. I (Check one) DO DO NOT have dependents other than those listed above.

Series III.—MILITARY RECORD

1. If you are now on or have been separated from active military service enter (a) Armed Force ARMED
(b) Service number _____ (c) Date of entry _____
(d) Date of separation _____ (e) Type of separation _____
2. If you are now a member of a reserve component (including the National Guard) give (a) Name and address of unit DOES NOT FPL
(b) Service number _____ (c) Date of enlistment, transfer, or appointment _____
3. If you are now a member of a Reserve Officer Training Corps or any other officer procurement program describe fully DOES NOT FPL

Series IV.—PRESENT OCCUPATION

- I am now employed as a (give full title: for example, bricklayer, farmer, teacher, auto mechanic, steel worker. If not employed, so state) 114618
- I do the following kind of work. (Give a brief statement of your duties. Be specific) 5-711
- My employer is 65-114618
(Name of organization or proprietor, not foreman or supervisor, enter "self" if self-employed)
- Diploma or certificate
(Address of place of employment—Street, or R.F.D. Route, City, and State)
- whose business is MAKES CONCRETE PIPE
(Nature of business, service rendered, or chief product)
- I have been employed by my present employer since Mar. 17, 1968
(Month and year)
- Other occupational qualifications, including hobbies, I possess are Mathematics
- I speak fluently the following foreign languages or dialects NONE
- I read and write well the following foreign languages or dialects NONE

Series V.—EDUCATION

- Grade or year completed
line through all grades or years successfully completed
(Exclude trade or business schools)
None 1 2 3 4 5 6 7 8 9 10 11 12 College 1 2 3 4 1 2 3 4 5
- (a) I have completed 3 years of college, majoring in ACRE
at _____ and (check one) HAVE HAVE NOT
received a degree.
- (b) I have received the degree(s) of NONE.
- (a) I am a full-time student in (check one) High School College Business School
 Trade School NONE
majoring in _____ preparing for _____
(Occupation or profession)
and expect to (check one) receive a degree finish course on _____
(Date)
- (b) I will be a full-time student next semester at NONE

Series VI.—COURT RECORD

- If you have been convicted or adjudicated of a crime or crimes other than minor traffic violations complete this series. If none enter "NONE."

| Offense (other than minor traffic violations) | Date of Conviction (Month, Day, Year) | Court (Name and Location) | Sentence |
|---|--|------------------------------|----------|
| <u>NONE</u> | | | |

- I (Check one) AM AM NOT now being retained in the custody of a court of criminal jurisdiction, or other civil authority. Specify _____
(Awaiting trial, on parole, etc.)

Series VII.—PHYSICAL CONDITION

- If you were ever rejected for service in the Armed Forces state (a) when DOES NOT APPLY
(b) where _____
- If you have any physical or mental condition which, in your opinion, will disqualify you for service in the Armed Forces, state the condition and attach a physicians' statement if not previously submitted.
NONE
- If you have ever been an inmate or a patient in a mental or tuberculosis hospital or institution, give the name and address of each NONE

Series VIII.—SOLE SURVIVING SON

- I (Check one) AM AM NOT the sole surviving son of a family of which the father or one or more sons or daughters were killed in action or died in line of duty while serving in the Armed Forces of the United States or subsequently died as a result of injuries received or disease incurred during such service.

Mar. 16, 1968
(Date)

Frank J. Greco
(Registrant's signature)

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Notice.—Imprisonment for not more than 5 years or a fine of not more than \$10,000, or both such fine and imprisonment, is provided by law as a penalty for knowingly making or being a party to the making of any false statement or certificate regarding or bearing upon a classification.



SELECTIVE SERVICE SYSTEM

Approval Not Required.

ORDER TO REPORT FOR
ARMED FORCES PHYSICAL EXAMINATION

To

Stanley L. Gruca

Local Board No. 100
Portage County
2nd Flr. 1st Office Bldg.
Ravenna, Ohio 44266

(LOCAL BOARD STAMP)

APR 16 1968

(Date of mailing)

SELECTIVE SERVICE NO.

33 100 49 216

You are hereby directed to present yourself for Armed Forces Physical Examination by reporting at:

Local Board No. 100

Portage County

2nd Flr. 1st Office Bldg.

(Place of reporting)

Ravenna, Ohio 44266

MAY 13 1968

on _____ at _____ 5:30 A.M. _____

(Date)

(Hour)

NO PARKING FACILITIES AVAILABLE

Marion Neale
Marion Neale, Asst. Clerk
(Member or clerk of Local Board)IMPORTANT NOTICE
(Read Each Paragraph Carefully)

TO ALL REGISTRANTS:

When you report pursuant to this order you will be forwarded to an Armed Forces Examining Station where it will be determined whether you are qualified for military service under current standards. Upon completion of your examination, you will be returned to the place of reporting designated above. It is possible that you may be retained at the Examining Station for more than 1 day for the purpose of further testing or for medical consultation. You will be furnished transportation, and meals and lodging when necessary, from the place of reporting designated above to the Examining Station and return. Following your examination your local board will mail you a statement issued by the commanding officer of the station showing whether you are qualified for military service under current standards.

If you are employed, you should inform your employer of this order and that the examination is merely to determine whether you are qualified for military service. To protect your right to return to your job, you must report for work as soon as possible after the completion of your examination. You may jeopardize your reemployment rights if you do not report for work at the beginning of your next regularly scheduled working period after you have returned to your place of employment.

IF YOU HAVE HAD PREVIOUS MILITARY SERVICE, OR ARE NOW A MEMBER OF THE NATIONAL GUARD OR A RESERVE COMPONENT OF THE ARMED FORCES, BRING EVIDENCE WITH YOU. IF YOU WEAR GLASSES, BRING THEM. IF MARRIED, BRING PROOF OF YOUR MARRIAGE. IF YOU HAVE ANY PHYSICAL OR MENTAL CONDITION WHICH, IN YOUR OPINION, MAY DISQUALIFY YOU FOR SERVICE IN THE ARMED FORCES, BRING A PHYSICIAN'S CERTIFICATE DESCRIBING THAT CONDITION, IF NOT ALREADY FURNISHED TO YOUR LOCAL BOARD.

If you are so far from your own Local Board that reporting in compliance with this Order will be a hardship and you desire to report to the Local Board in the area in which you are now located, take this Order and go immediately to that Local Board and make written request for transfer for examination.

TO CLASS I-A AND I-A-O REGISTRANTS:

If you fail to report for examination as directed, you may be declared delinquent and ordered to report for induction into the Armed Forces. You will also be subject to fine and imprisonment under the provisions of the Universal Military Training and Service Act, as amended.

TO CLASS I-O REGISTRANTS:

This examination is given for the purpose of determining whether you are qualified for military service. If you are found qualified, you will be available, in lieu of induction, to be ordered to perform civilian work contributing to the maintenance of the national health, safety or interest. If you fail to report for or to submit to this examination, you will be subject to be ordered to perform civilian work in the same manner as if you had taken the examination and had been found qualified for military service.

STATEMENT OF ACCEPTABILITY 14

| | | |
|-----------------------------|-----|---------------------------------------|
| NAME-FIRST NAME-MIDDLE NAME | | PRESENT HOME ADDRESS |
| GRUCA, STANLEY LAWRENCE | | 9731 Cableline Rd., Diamond, O. 44412 |
| ELECTIVE SERVICE NUMBER | | LOCAL BOARD ADDRESS |
| 33 | 100 | 49 216 LB 100: Ravenna, O. |

THE QUALIFICATIONS OF THE ABOVE-NAMED REGISTRANT HAVE BEEN CONSIDERED IN ACCORDANCE WITH THE CURRENT REGULATIONS GOVERNING ACCEPTANCE OF SELECTIVE SERVICE REGISTRANTS AND HE WAS THIS DATE:
 1. FOUND FULLY ACCEPTABLE FOR INDUCTION INTO THE ARMED FORCES.
 2. FOUND NOT ACCEPTABLE FOR INDUCTION UNDER CURRENT STANDARDS.

MARKS (These to be directed to Local Board only)

| | | |
|--------------------------------|--|--|
| PLACE May 68 CLEVE, OHIO | TYPED OR STAMPED NAME AND GRADE OF JOINT EXAMINING AND INDUCTION STATION COMMANDER C.C. BROOKS LT. USN | SIGNATURE  |
|--------------------------------|--|--|

FORM 62
1 MAR 59

PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE

LOCAL BOARD COPY 1

June 20, 1968

Please send me Selective Service Form 150 for
Conscientious objectors.

s/ Stanley L. Gruca
Cableline Rd. R.D. #1,
Diamond, Ohio 44412

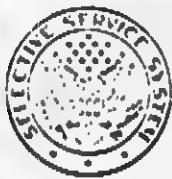
[Stamped]

Local Board No. 100
Portage County

JUN 21 1968

Ravenna, Ohio

3-16-49



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SELECTIVE SERVICE SYSTEM

Local Board No. 100
Portage County
2nd Flr., Post Office Bldg.
Ravenna (Ohio 44266)

July 1, 1962

IN REPLY, REFER TO:

Stanley L. Gruca
Cableline Road
Diamond, Ohio 44412

Dear Sir:

Enclosed is SSS form 150, please complete and sign the Registrant's Certificate on page 4 and return same to our office.

BY DIRECTION OF THE BOARD

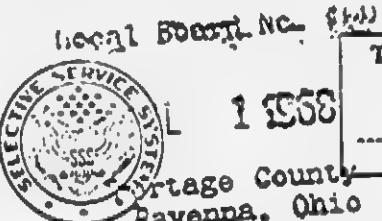
Marilyn Nealo
Marilyn Nealo
Clerical Ass't

SELECTIVE SERVICE SYSTEM

SPECIAL FORM FOR CONSCIENTIOUS OBJECTOR 5 1955

Local Board No. 100
Selective Service System
2nd Flr., Post Office Bldg
Avon, Ohio 44266

(Local Board Stamp)



THIS FORM MUST BE RETURNED
ON OR BEFORE

July 1, 1968

(Ten days after mailing or issue)

Date of mailing or issue June 21, 1968

Date received back at local board

Name of Registrant

GRUCA,

(Last)

Stanley

(First)

Lawrence

(Middle)

2. Selective Service No.

33 100 49 216

Mailing address

Cableline Road, Diamond, Ohio Portage County 44412

(Number and street or R.F.D. route)

(City, town, or village)

(Zone)

(County)

(State)

INSTRUCTIONS

A registrant who claims to be a conscientious objector shall offer information in substantiation of his claim on a special form, which when filed shall become a part of his Classification Questionnaire (SSS Form No. 100). The items in Series II through V in this form are intended to obtain evidence of the genuineness of the claim made in Series I, and the answers given by the registrant shall be for the information of only the officials duly authorized under the regulations to examine them.

In the case of any registrant who claims to be a conscientious objector, the local board shall proceed in the prescribed manner to determine his proper classification. The procedure for appeal from a decision of the local board on a claim of conscientious objection is provided for in the Selective Service Regulations.

Failure by the registrant to file this special form on or before the date indicated above may be regarded as a waiver by the registrant of his claim as a conscientious objector; *Provided*, that the local board, in its discretion, and for good cause shown by the registrant, may grant a reasonable extension of time for filing this special form.

Series I.—CLAIM FOR EXEMPTION

INSTRUCTIONS.—The registrant must sign his name to either statement A or statement B in this series but not to both of them. The registrant should strike out the statement in this series which he does not sign.

I am, by reason of my religious training and belief, conscientiously opposed to participation in war in any form. I, therefore, claim exemption from combatant training and service in the Armed Forces.

(Signature of registrant)

I am, by reason of my religious training and belief, conscientiously opposed to participation in war in any form and I am further conscientiously opposed to participation in noncombatant training and service in the Armed Forces. I, therefore, claim exemption from both combatant and noncombatant training and service in the Armed Forces.

Stanley Lawrence Gruca
(Signature of registrant)

Under the provisions of section 6 (j) of the Universal Military Training and Service Act, as amended, any person who claims exemption from combatant training and service in the Armed Forces of the United States because he is, by reason of religious training and belief, conscientiously opposed to participation in war in any form and such claim is sustained by the local board, shall, if he is inducted into the Armed Forces, be assigned to noncombatant service as defined by the President, or shall, if found to be conscientiously opposed to participation in such noncombatant service, in lieu of induction, be ordered by his local board, subject to regulations prescribed by the President, to perform for a period of twenty-four consecutive months such civilian work contributing to the maintenance of the national health, safety, or interest as the local board deems appropriate, and any such person who fails or neglects to obey such order of the local board shall be subject to imprisonment for not more than five years or a fine of not more than \$10,000, or to both such fine and imprisonment.

Series II.—RELIGIOUS TRAINING AND BELIEF

INSTRUCTIONS.—Every item in this series must be completed. If more space is needed use extra sheets of paper.

1. Do you believe in a Supreme Being? Yes No

2. Describe the nature of your belief which is the basis of your claim made in Series I above, and state whether or not your belief in a Supreme Being involves duties which to you are superior to those arising from any human relation.

My Supreme Being said that all people was to be treated to love they neighbor. That is my belief.

Form No. 150 (Rev. 1-21-63). (The printing of 1-21-63 shall be used until exhausted.)

(1)

6. Explain how, when, and from whom or from what source you received the training and acquired the belief which is the basis for claim made in Series I above.

From my parents + neighbor boy talking to them that it is wrong to kill + fight

7. Give the name and present address of the individual upon whom you rely most for religious guidance.

ALICE GRIEC R.D. #1 DIAMOND, OHIO
FRANK GRIEC R.D. #1 DIAMOND, OHIO

8. Under what circumstances, if any, do you believe in the use of force?

If there is a fight with one I would use my force to hold one of them off + try to talk them out of fighting.

9. Describe the actions and behavior in your life which in your opinion most conspicuously demonstrate the consistency and of your religious convictions.

At work, the workers I work with start arguing with me about little things, so I tell them they can't argue at the work because of my strong religious beliefs of not killing.

10. Have you ever given public expression, written or oral, to the views herein expressed as the basis for your claim made in Series I above? If so, specify when and where.

I have talked to the people I work with and show them there are worse than people because of the way the supreme powers.

Series III.—GENERAL BACKGROUND

INSTRUCTIONS.—Every item in this series must be completed. If more space is needed use extra sheets of paper.

Give the name and address of each school and college which you have attended, together with the dates of your attendance; state in each instance the type of school (public, church, military, commercial, etc.).

| NAME OF SCHOOL | TYPE OF SCHOOL | LOCATION OF SCHOOL | DATES ATTENDED |
|------------------------------|------------------|--------------------------------|--|
| From— | To— | | |
| HAILESTOWN METHODIST HIGH | PUBLIC PUBLIC | RAVENNA, OHIO RAVENNA, OHIO | 1955 1963 1963 1967 19... 19... 19... 19... |

11. Give a chronological list of all occupations, positions, jobs, or types of work, other than as a student in school or college, in which you have at any time been engaged, whether for monetary compensation or not, giving the facts indicated below with regard to position or job held, or type of work in which engaged.

| TYPE OF WORK | NAME OF EMPLOYER | ADDRESS OF EMPLOYER | PERIOD WORKED |
|----------------------------------|--|---|---|
| From— | To— | | |
| CLERK LENDER PIPE STRIPPER | GEORGE HAYES CARLON PRODUCTS U.S. CONCRETE PIPE CO. | C.H. 18 ROOTSTOWN, MANTUA, OHIO DIAMOND, OHIO | 1965 1967 1967 1967 1965 19... 19... 19... 19... 19... 19... 19... |

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3. Give all addresses and dates of residence where you have formerly lived.

| NAME OF CITY, TOWN, OR VILLAGE | STATE OR FOREIGN COUNTRY | STREET ADDRESS OR R. F. D. ROUTE | DATES OF RESIDENCE | |
|--------------------------------|--------------------------|----------------------------------|--------------------|------|
| | | | From | To |
| ELIC CASTLE | PENNA. | R. D. #1 | 1949 | 1952 |
| LEPPERY ROCK | PENNA. | R. D. #1 | 1950 | 1957 |
| LEAVENWELL | OHIO | 1415 MAIN ST. | 1955 | 1965 |
| LEAVENWELL | OHIO | R. D. #5 | 1955 | 1965 |
| DIAMOND | OHIO | R. D. #1 | 1965 | 1965 |
| | | | 1965 | 1965 |

4. Give the name and address of your parents and indicate whether they are living or not.

FRANK V. GRUCA R. D. #1 DIAMOND, OHIO LIVING
ALICE M. GRUCA R. D. #1 DIAMOND, OHIO LIVING

5. (a) State the religious denomination or sect of your father CATHOLIC
(b) State the religious denomination or sect of your mother PROTESTANT

Series IV.—PARTICIPATION IN ORGANIZATIONS

INSTRUCTIONS.—Every item in this series must be completed. If more space is needed use extra sheets of paper.

Have you ever been a member of any military organization or establishment? If so, state the name and address of same and reasons why you became a member.

NONE

2. Are you a member of a religious sect or organization? Yes No. If your reply to item 2 is "yes," complete items through (e).

(a) State the name of the sect, and the name and location of its governing body or head if known to you.

(b) When, where, and how did you become a member of said sect or organization?

(c) State the name and location of the church, congregation, or meeting where you customarily attend.

(d) Give the name, title, and present address of the pastor or leader of such church, congregation, or meeting.

(e) Describe carefully the creed or official statements of said religious sect or organization in relation to participation in war.

3. Describe your relationships with and activities in all organizations with which you are or have been affiliated, other than military, political, or labor organizations.

NONE

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Series V.—REFERENCES

INSTRUCTIONS.—This series must be completed. If more space is needed use extra sheets of paper. Give here the names and other information indicated concerning persons who could supply information as to the sincerity of your professed convictions against participation in war.

| NAME | RELATIONSHIP | EMPLOYMENT OR OCCUPATION | RESIDENCE OR PLACE OF WORK |
|-----------------------|-------------------------|--------------------------|----------------------------|
| ALICE GRUCCIT | CABLELIAE RAGDYL DIPMND | HOUSEWIFE | MOTHER |
| MRS. E. M. T. TUCKETT | CABLELIAE RAGDYL DIPMND | HOUSEWIFE | NEIGHBOR |
| GLENNA COOPER | STOGS, R.S. PAUENNAD | MANAGER | FRIEND |

REGISTRANT'S CERTIFICATE

INSTRUCTIONS.—Every registrant claiming to be a conscientious objector shall make this certificate. If the registrant cannot read, the items and his replies thereto shall be read to him by the person who assists him in completing this form. If the registrant is unable to sign his name he shall make his mark in the space provided for his signature in the presence of two persons who shall sign as witnesses.

NOTICE.—Imprisonment for not more than five years or a fine of not more than \$10,000, or both such fine and imprisonment is provided by law as a penalty for knowingly making or being a party to the making of any false statement or certificate regarding or bearing upon a classification. (Universal Military Training and Service Act, as amended).

I, Stanley Lawrence Hulse, certify that I am the registrant named and described in the foregoing statements in this form; that I have read (or have had read to me) the statements made by and about me, and that each and every such statement is true and complete to the best of my knowledge, information, and belief. The statements made by me in the foregoing are in my own handwriting.

Registrant sign here Stanley Lawrence Hulse
(Signature or mark of registrant)

July 3, 1968
(Date)

(Signature of witness to mark of registrant)

(Date)

(Signature of witness to mark of registrant)

(Date)

If another person has assisted the registrant in completing this form, such person shall sign the following statement:

I have assisted the registrant herein named in completing this form because _____

(For example—registrant unable to read and write English, etc.)

(Signature of person who has assisted)

(Occupation of person who has assisted)

(Address of person who has assisted)

(Date)

2. The reason why I did not fill this form out when I was 18 is because I was thinking about this.

[Stamped]
Local Board No. 100

JUL 1 1968

Portage County
Ravenna, Ohio

[Stamped]
Local Board No. 100

JUL 5 1968

Portage County
Ravenna, Ohio



22

SELECTIVE SERVICE SYSTEM

Local Board No. 203
Summa County
2nd Flr., Post Office Bldg.
Revere, Ohio 44265

(LOCAL BOARD STAMP)
Aug. 28, 1968

IN REPLY, REFER TO

Gruca, Stanley L.
33-100-49-216

Stanley L. Gruca
Cableline Rd., R.D.#1
Diamond, Ohio 44412

Dear Sir;

The local board requests that you meet with them on Sept. 10, 1968 at 3:45 PM
for an interview prior to classification.

BY DIRECTION OF THE BOARD:

Doris Batsch
Doris Batsch, Executive Sec.

Sept. 10, 1968

23

GRUCA, Stanley Lawrence
33-100-49-216

Bd. Members present: Mr. Rainsberg, Mr. Adams, Mr. Enlow, Mr. Watson and Mr. Shaw.

Norma Batsch, Executive Sec.

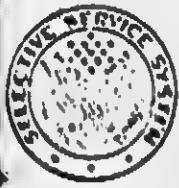
Stanley appeared before the board, at the local board's request, this was not a procedural right, but in accordance with regulations. The registrant was asked to explain his reason for requesting a deferment as a Conscientious Objector. He did not request SSS Form 150 at age 18, or sign the C. O. Series on his SSS Form 100, original questionnaire. The registrant stated that he did not believe in any acts of violence. He does not have any religious affiliation but his parents have a Roman Catholic background. The registrant has two older brothers who are in the National Guard.

The registrant likes to fish and hunts occasionally. He was asked how long he had felt this way concerning violence. He stated that he has had these feelings for about a year or a year and a half. This was his feeling when he took his pre-induction physical examination but he did not make a statement at that time. Mr. Gruca was asked if there was any sign or happening that changed his mind or caused him to become a conscientious objector. He said that there was none, except that his mother had told him, about a year ago, that all violence was wrong, against any living thing. The registrant was asked if he were willing to obtain Civilian Work in lieu of induction into the Armed Forces, he replied that "he guessed", he would, but he did not know.

He was asked, "If it required violence to protect yourself, would you use violence?" He replied, "I would use force." His appeal rights were explained to him and he was excused.

The board discussed the registrant's appearance. They determined that this was a very recent decision and according to the registrant, followed a conversation between his mother and himself, taking place within the last year. They had never discussed this subject before that, and he had never given much thought to the subject. The registrant was very quiet and information was difficult to obtain, he either could not or would not express himself in any way.

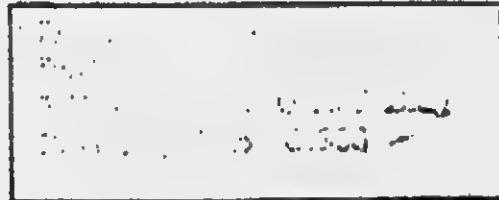
The board classified him in 1-A with appeal rights.



SELECTIVE SERVICE SYSTEM

Approval
Not Required

ADVICE OF RIGHT TO PERSONAL APPEARANCE AND APPEAL



(Local Board Stamp)

Stanley L. Gruca

Date of mailing

Sept. 11, 1968.
(Month) (Day) (Year)

Selective Service No.

33 100 49 216

Enclosed is your Notice of Classification (SSS Form 110).
Your right to ask for a personal appearance or an appeal
within 30 days is prescribed on the reverse side of that
Notice of Classification.

Each local board has available a Government Appeal Agent
to aid you with a personal appearance, an appeal, or any other
procedural right. The Appeal Agent or his representative will
give you legal counsel on Selective Service matters only at no
charge.

If you should desire a meeting with him, this office will
arrange a time and place for such meeting upon request.

Norma Batsch (Member or Clerk of Local Board)

4.3

Oct. 6, 1968

Norma Batsch
Local Board No. 100
Portage County
2nd Flr. Post Office Bldg.
Ravenna, Ohio 44266

Dear Sir:

I am appealing my 1-A classification that the Local Board gave me on my conscientious objector form for.

1. Church,

I did not know you had to go to church to believe that killing and violence is wrong.

I cannot consciously or morally take the life of another human being, because of my beliefs.

2. National Guards.

Because my brother's are in the National Guards, that doesn't mean I have to think the same way as they do.

3. Animals and Food

I don't believe that it is right to kill animals just for pleasure of killing them.

Animals were put on this earth for man's use that includes food and clothing.

If I am sent someplace where it is called war and I kill someone that is allright, and if I go out on the road and kill someone they call me a murderer.

s/ Stanley L. Gruca.

[Stamped]
Local Board No. 100
Portage County

OCT 8 1968

Ravenna, Ohio

44

Cableline Rd.
R.D. #1,
Diamond, Ohio
Oct. 7, 1968

Local Board No. 100,
Portage County,
2nd Flr. Post Office Bldg.
Ravenna, Ohio

Gentlemen:

I am writing in reference to Stanley being a conscientious objector of the Armed Forces.

He has always been against fighting and violence.

He never liked to argue or to have anyone else argue in his presence's.

He never liked to see anything die. It didn't make any difference if it was a person an animal or a bird.

He has always been very conscious about anything dieing.

He thinks all this killing and violence is just terrible.

Sincerely,

s/ Mrs. Alice Gruca

[Stamped]
Local Board No. 100
Portage County

OCT 9 1968

Ravenna, Ohio

Mrs. Vonnie Tackett
Diamond Ohio

[Stamped]
Local Board No. 100
Portage County 3-16-49

OCT 9 1968

Ravenna, Ohio

Oct. 7-1968

Selective Service.

Dear Sir's

I'm writing in reference to Stanley Gruca who is my next door neighbor as being a Conscientious objector. I have talked to him several times and I find he just doesn't want any part in fighting or violence and he sure doesn't believe in killing and he's a very nice Boy and I can see why he doesn't want to leave a good home to go off to some foreign land to kill or get killed. Thank you



SELECTIVE SERVICE SYSTEM

3-
Local Board No. 103
Portage County
2nd Flr., Hors. Office Bldg.
Ravenna, Ohio 44263

(LOCAL BOARD STAMP)

Oct. 14, 1968

IN REPLY, REFER TO:

Subject: APPEAL NOTIFICATION

Name: GRUCA, Stanley Lawrence
SS No: 33-100-49-216

Stanley L. Grucha

Dear Sir;

This is to acknowledge receipt of your letter of appeal and to advise the file has been forwarded to the appeal board for their review and consideration.

The Appeal Board can only consider information that was in the file at the time of the local board's review. No one is permitted to appear before the Appeal Board, however, the entire file is reviewed by them.

After determination is made by the Appeal Board, you will be notified of their decision.

BY DIRECTION OF THE BOARD:

Norma Batsch
Norma Batsch, Executive Sec.

2

Approval
Not Required

SELECTIVE SERVICE SYSTEM
INDIVIDUAL APPEAL RECORD

Local Board No. 100
Portage County
111 W. Main Street
Ravenna, Ohio 44262
(Local Board Date Stamp)

Local Board No. 100

NOV 13 1968

Portage County
Ravenna, Ohio

Registrant _____ Stanley Lawrence _____
(First) (Middle)

Service Number 33 100 49 216

by local board in Class 1-A until 19

Classified Sept. 14, 1968, 19

ed on appeal taken by the registrant

WARDED to Appeal Board Oct. 14, 1968, 19

Request for Transfer of Jurisdiction Filed

Address of employer or residence of registrant Stanley L. Gruca, Cableline Rd., R.D. #1
Diamond, Ohio 44412

Norma Batsch
Norma Batsch, Executive Sec. Member or Clerk of Local Board

ACTION BY APPEAL BOARD

ard for the State of _____
Selective Service System
Portage County _____
(Panel No. and Judicial District) 100
Street and number 44262
(City) Cleveland, Ohio 44103
in Class 1-A until 1968, by the following vote:
3 No 0 NOV 6 1968
(Date of classification by Appeal Board)

Donald Dugan
Member or Clerk of Appeal Board

ONS.—The local board will prepare this form in duplicate. The original will be stapled or otherwise securely fastened to the front cover of the Cover Sheet (SSS Form 101) of each file forwarded to the Appeal Board, and the copy will be filed in the local board files in lieu of the Cover Sheet, attached to the Charge-Out Card (SSS Form 710).

If the appellant requests a transfer of jurisdiction the box indicating such request will be checked, and the name and address of the employer or the residence of the registrant entered in the space provided.



SELECTIVE SERVICE SYSTEM

Approval Not Required.

ORDER TO REPORT FOR INDUCTION

The President of the United States,

To

Stanley L. Gruca

Local Board No. 100
Portage County
2nd Flr., Post Office Bldg.
Romeo, Ohio 44264

(LOCAL BOARD STAMP)

Feb. 19, 1969

(Date of mailing)

SELECTIVE SERVICE NO.

33 100 49 216

GREETING:

You are hereby ordered for induction into the Armed Forces of the United States, and to report at Post Office Bldg., N. Chestnut St., Ravenna, Ohio (Place of reporting) on March 27, 1969 at 6:15 AM (Date) (Hour) for forwarding to an Armed Forces Induction Station.

Norma Batsch
(Member, Executive Secretary, or clerk of Local Board
Norma Batsch, Executive Sec.)

IMPORTANT NOTICE
(Read Each Paragraph Carefully)

IF YOU HAVE HAD PREVIOUS MILITARY SERVICE, OR ARE NOW A MEMBER OF THE NATIONAL GUARD OR A RESERVE COMPONENT OF THE ARMED FORCES, BRING EVIDENCE WITH YOU. IF YOU WEAR GLASSES, BRING THEM. IF MARRIED, BRING PROOF OF YOUR MARRIAGE. IF YOU HAVE ANY PHYSICAL OR MENTAL CONDITION WHICH, IN YOUR OPINION, MAY DISQUALIFY YOU FOR SERVICE IN THE ARMED FORCES, BRING A PHYSICIAN'S CERTIFICATE DESCRIBING THAT CONDITION, IF NOT ALREADY FURNISHED TO YOUR LOCAL BOARD.

Valid documents are required to substantiate dependency claims in order to receive basic allowance for quarters. Be sure to take the following with you when reporting to the induction station. The documents will be returned to you. (a) FOR LAWFUL WIFE OR LEGITIMATE CHILD UNDER 21 YEARS OF AGE—original, certified copy or photostat of a certified copy of marriage certificate, child's birth certificate, or a public or church record of marriage issued over the signature and seal of the custodian of the church or public records; (b) FOR LEGALLY ADOPTED CHILD—certified court order of adoption; (c) FOR CHILD OF DIVORCED SERVICE MEMBER (Child in custody of person other than claimant)—(1) Certified or photostatic copies of receipts from custodian of child evidencing serviceman's contributions for support, and (2) Divorce decree, court support order or separation order; (d) FOR DEPENDENT PARENT—affidavits establishing that dependency.

Bring your Social Security Account Number Card. If you do not have one, apply at nearest Social Security Administration Office. If you have life insurance, bring a record of the insurance company's address and your policy number. Bring enough clean clothes for 3 days. Bring enough money to last 1 month for personal purchases.

This Local Board will furnish transportation, and meals and lodging when necessary, from the place of reporting to the induction station where you will be examined. If found qualified, you will be inducted into the Armed Forces. If found not qualified, return transportation and meals and lodging when necessary, will be furnished to the place of reporting.

You may be found not qualified for induction. Keep this in mind in arranging your affairs, to prevent any undue hardship if you are not inducted. If employed, inform your employer of this possibility. Your employer can then be prepared to continue your employment if you are not inducted. To protect your right to return to your job if you are not inducted, you must report for work as soon as possible after the completion of your induction examination. You may jeopardize your reemployment rights if you do not report for work at the beginning of your next regularly scheduled working period after you have returned to your place of employment.

Willful failure to report at the place and hour of the day named in this Order subjects the violator to fine and imprisonment. Bring this Order with you when you report.

If you are so far from your own local board that reporting in compliance with this Order will be a serious hardship, go immediately to any local board and make written request for transfer of your delivery for induction, taking this Order with you.

EXCERPTS FROM GOVT. EXS. 3 AND 4, ARMY FILE
ON APPELLANT'S APPLICATION FOR DISCHARGE

(Contents rearranged in chronological order.)

HBATC-AGTP

Commanding Officer
Co A, 13th Bn, 4th Tng Bde
USATC Armor
Ft Knox, Ky 40121

Discharge as a Conscientious Objector

Pvt Stanley L. Gruca 26 MAY 1969

US51845280/274-46-3408

Co A, 13th Bn, 4th Tng Bde
USATCA, Ft. Knox, Ky 40121

P of AR 635-20, request that I be discharged from the US Army as a conscientious objector. Based upon my training and belief, I conscientiously object to participation in military service of any form.

Stanley L. Gruca

STANLEY L. GRUCA

Co A, 13th Bn, 4th Tng Bde

Pvt E-1, US 51 845 280

0 Incl

Answers to Handout

Stmt fr EM

Stmt fr EM

IAA Form 507

Ltr fr LB #100, dtd 1 Jul 68

Ltr fr LB #100, dtd 28 Aug 68

Ltr fr LB #100, dtd 11 Sep 68

Ltr fr EM to LB #100, dtd 6 Oct 68

Ltr fr LB #100, dtd 14 Oct 68

Ltr fr EM's Mother to LB #100, dtd 19 Feb 69

Ltr fr Chaplain Harono dtd 4 Jun 69

JECT: Handout for Conscientious Objector
(para 2-12, AR 600-200 & para 4a, AR 635-20)

Personnel who claim that they are Conscientious Objectors and failed to indicate this or to coming in the service must make an application through their Commanding Officer to be so designated. The request will include the following: (ref para 4a, 635-20)

GENERAL INFORMATION

- (a) Full Name
- (b) Military service number/SSAN
- (c) Selective service number
- (d) Service address
- (e) Permanent home address
- (f) Give the name and address of each school and college which you have attended, together with the dates of your attendance, and state in each instance the type of school (public, church, military, commercial, etc.)
- (g) Give a chronological list of all occupations, positions, jobs, or type of work other than as a student in school or college, in which you have at any time been employed, whether for monetary compensation or not, giving the type of work, name of employer, address of employer, and the from/to date for each position or job held.
- (h) Give all addresses and dates of residence where you have formerly lived.
- (i) Give the name and address of your parents and indicate whether they are living or deceased.
- (j) State the religious denomination or sect of your father and mother.
- (k) Did you apply to the Selective Service System (Local Board) for classification as a Conscientious Objector prior to entry into the Armed Forces? To which local board? What decision was made by the board, if known?
- (l) If you have served less than 180 days in the military service and are discharged as a Conscientious Objector, are you willing to perform work under the Selective Service Conscientious Objectors' Work Program? Yes No . Will you consent to the issuance of an order for such work by your local Selective Service Board? Yes No .
- (m) If you have served more than 180 days in the military service and are discharged as a Conscientious Objector, would you be willing to engage voluntarily in post military work of the nature encompassed by the civilian work program administered by Selective Service? Yes No . Information regarding this program is available at all induction boards or at Selective Service Office.

RELIGIOUS TRAINING AND BELIEF

- (a) Describe the nature of your belief which is the basis of your claim.
- (b) Explain how, when, and from whom, or from what source you received the training and acquired the belief which is the basis of your claim.
- (c) Give the name and present address of the individual upon whom you rely for religious guidance in matters of conviction relating to your claim.

1. General Information:

A. Stanley L. Gruca

B. U.S. 51845280 SSAN 274-46-3408

C. 33-100-49-216

D. Pvt. Stanley L. Gruca

U.S. 51845280

A-13-4 1st Platoon

U. S. A.T.C. Armor

Fort Knox, Ky. 40121

9731 Cableline Rd. R. D. #1

Diamond, Ohio 44412

E. Charlestown Grade School

R. D. #5 Ravenna, Ohio 44266

1955 to 1963 Public

Southeast High School

R. D. #6 Ravenna, Ohio 44266

1963 to 1967 Public

F. Carlton Plastic Corp.

INC #1

Carters, Ohio slender

.. 1967 to Nov 1967

United States Concrete Pipe Co.

D. 31 Diamond, O Shd 44412

Dec 1469 to March 1969

D. # 4 New Castle, Pa mar. 49 to Dec. 52

2.2 Slippery Rock, Pa. Dec. 52 to Apr. 55

W. Main St Ravenna, Ohio Sept. 55 to Sept 55

5.45 Ravenna, Ohio Sept. 55 to Sept. 65

2#1 Diamond, Ohio Sept. 65

Frank V. Grusco . . . living

31 Cabellina Rd R.D. #1

amond, & his

ice M. Gruea Living

is as above

Father - Catholic

another - Protestant

for Denied

Social Board 15100

2nd Floor Post Office Bldg.

Ashtabula, Ohio 44264

for Yes

No

Religious Training and Belief

I believe in a supreme being. It stated in the bible that all men are created equal. They shall not kill. It is not right to kill anybody regard of race, creed, color.

Alice Graca (Mother) The Bible

She told me that killing is wrong.

Alice Graca (Mother)

9731 Cabelline Rd R.D. #1

Diamond, Ohio 44412

If two guys are on one I will use
N/C 1 #1 Contd

my force to hold him back and try to talk him out of fighting.

When any one would start arguing or fighting with me I would walk away from them and let them argue or fight with them selves.

To my parents & my Aunt & Uncle.

To my neighbor.

3. Participation In Organizations

A. No.

B. No.

C. I have never been affiliated with any.

4. References

Alice Graca ... housewife

9731. Cableline Rd ... mother.

Diamond, Ohio.

INC. #1 cont'd

References cont.

Mrs. Vonne Locket : Neighbor
Cableline Rd. R.D. #1 Housewife
Diamond, Ohio

Mr. & Mrs. Andy Bidinotto Aunt & uncle
R.D. #2
New Castle Pa

EAC/ #1 contd

S T A T E M E N T

I have been counseled concerning possible nonentitlement to benefits administered by the Veterans Administration due to discharge from the military service as a conscientious objector. I understand that a discharge as a conscientious objector who refuses to perform satisfactory military duty or otherwise to comply with lawful orders of competent military authority shall bar all rights based upon the period of service from which discharged, under any laws administered by the Veterans Administration except my legal entitlement (if any) to any war risk, Government (converted) or National Service Life Insurance.

Stanley L. Gruca

STANLEY L. GRUCA

Co A, 13th Bn, 4th Tng Bde

Pvt E-1, US 51 845 280

S T A T E M E N T

In connection with my application for Classification as a Conscientious Objector, I have been informed of my rights to appear in person before a Commissioned Officer in the grade of Captain or higher to be heard in support of my application and to be accompanied by counsel retained by me, if desired.

s.c.

I (do) (do not) desire to appear before such Officer.

I (do) (*s.c.* do not) intend to retain counsel.

Stanley C. Miller
Signature of Application

June 23, 1969

(1) General Information

(m) I didnt know that post military work meant after I got out of the service. I thought it was work on an army post. I will do post military work.

(2) Religious training and belief:

(a) I believe in God and he is above everybody and everything.

One of the ten commandments is thou shalt not kill. One of Jesus' commandments is love thy neighbor as thyself. And everybody is my neighbor, all over the world.

So it is wrong to kill anybody.

War kills people, so it would be wrong to take part in it. Even as a medic or in some other non-combat job I would still be helping the Army to kill people, so that would be wrong too.

(b) From my parents mostly.

They always were kind and friendly to other people. Whenever some neighbor came to get car parts from our wrecking yard and couldn't pay for them right away, my father would tell him to take what he needed and pay for it later, when he could.

This would often happen with strangers too. It didnt make any

difference what nationality or color they were. It was the same with food from the garden, or just about anything we had. They would often give things away without asking for any payment at all. When my mother bakes cookies or pies she usually gives away some of them. This has always been their way with other people, so I naturally grew up with the feeling that the right way to treat other people was to be kind to them, not to hurt them.

Besides my parents have always taught me, that killing and violence was wrong. They told me about the ten commandments, and especially the one that says thou shalt not kill. They told me this came from God to Moses. And they told me about Jesus' commandments, love God and love thy neighbor.

My parents always told me to do right, and said if I did wrong I'd go to hell. They told me I'd have to think things out if I wasn't sure what was right or wrong, and obey my conscience.

In my early years of life I had an experience with some rabbits dying which affected me deeply. After they were buried a few hours I wanted to go back and see if they were still alive.

Later on in my life my grandfather died, I couldn't understand why he had died. I kept saying and wondering why he had died. I asked my parents why he had died.

As I grew older I began to think about these things myself. From reading in the newspaper about war and killing in the streets, it all seemed wrong to me.

When I filled out my first questionnaire of the draft board, I had thought about signing my name to the conscientious objector question, but I wasn't quite sure if I was a conscientious objector then and the form said not to sign that statement unless I was.

But I started talking to my parents about how violence and killing was wrong.

I began to think more strongly that all kinds of killing of people was wrong whether it would be war or just killing someone on the street.

At the time I sent for the form 150 for conscientious objectors, I knew that I couldn't conscientious or morally take the life of another human being.

After I entered Service my convictions became stronger against killing and war and being in the Army.

I took all my training because it was an order and I was always obedient.

When I was on the rifle range I knew I was only shooting at targets but I always thought about what if it was a person. I knew

if it was I couldnt shoot at them.

When I took bayonet practice it was only training and I knew I could not take another human beings life.

When I took hand-to-hand combat it was violent and affected me deeply and I knew that I could never do anything like that.

The reason I dont want to stay in the Service and be a medic is that I would be sent where there is fighting and violence and I would still be helping to take lives.

(c) My parents Mr. & Mrs. Frank Gruca
9731 Cableline Rd.
Diamond, Ohio.

(d) I would use a limited force on a personal basis to stop someone from hurting someone else, but I would try not to hurt him any more than was necessary. I would try to talk to the person without getting into a big argument that would only lead to a fight which is an unlimited force.

War uses unlimited force and a great many people get hurt or killed including women and children, and I believe war is wrong.

(e) Except for scraps with my brothers when I was real small I've always kept out of fights. I've always tried to live right and be kind and helpful to other people.

Some people named Boggs from West Virginia needed help cleaning out their barn and I helped them. During my senior year in high

school I tutored their boy in the seventh grade in math. I didn't ask for any pay for these things, but they did give me some money afterwards.

One day I talked a couple of my buddies out of fighting with somebody else.

(f) When I was at home, me and my parents and neighbor would talk about it many times.

At work to other workers would start talking about war and acts of violence and I would tell them how I felt about them. At times in the Service there would be a little discussion about how everybody felt about wars and I would tell them how I felt.

June 25, 1969

To whom it may concern:

I'm writing in reference to Stanley being a conscientious objector.

He has always been very sensitive about anything dying, whether it be a bird, animal or person.

He has told me many times that he couldn't possibly take the life of another person.

Maybe we didn't take him to church very much because of the difference in the religious background between me and his father.

We always tried to teach him everyone could get along with each other if they really tried.

Because you disagree with someone that is no reason to start killing each other.

Stanley has always been a good boy. He has never caused anyone any trouble. He has never gotten into fights with anyone.

He has always tried to help people when they needed it.

I have seen him turn down money offered him for taking a neighbor someplace or doing something for other people.

He has many friends, it doesn't make any difference what color, race or religion.

His mother

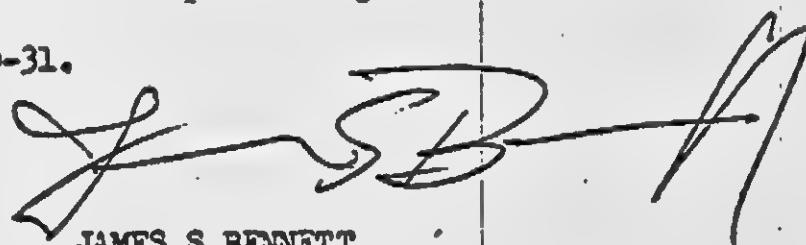
Mrs. Alice Gruca

| ENLISTED PERSONNEL DATA (To accompany all individual requests for reassignment) | | | | Extracts from DA Forms 4, 20, 14-118 | | | DATE | | |
|---|--|---|---|--|-----------|--|---|-----------|------|
| NAME (Last, first, middle initial) | | | | 2. GRADE (Include proficiency designator and date of rank) | | | 26 May 69 | | |
| GRUCA, Stanley L. | | | | PVT E1 2 Mar 69 | | | 3. SERVICE NO. & SOCIAL SECURITY ACCOUNT NO. | | |
| ORGANIZATION | | | | 5. DATE OF BIRTH & PLACE OF BIRTH (City & State) | | | US 51 845 280 274-46-3408 | | |
| A-13-4 USATCA FT KNOX KY | | | | 6. SECURITY CLEARANCE | | | 16 Mar 49 New Castle, Pa. | | |
| CITIZEN OF (Country) | | | | 7. RESIDENCE OF DEPENDENTS | | | 8. MARITAL STATUS | | |
| USA | | | | None | | | Single | | |
| NO. OF DEPENDENTS | | TO ACCOMPANY EM IF RE-ASSIGNED | | RESIDENCE OF DEPENDENTS | | | | | |
| None | | N/A <input type="checkbox"/> YES <input type="checkbox"/> NO | | None | | | | | |
| PHYSICAL PROFILE | | | | | | | | | |
| E | | P | U | L | H | K | S | SUFFIX | CODE |
| Mar 69 | | 1 | 1 | 1 | 1 | 2 | 1 | | B |
| 11. BRIEF SUMMARY OF LIMITING HANDICAPS | | | | | | | | | |
| None | | | | None | | | | | |
| STATEMENT OF SERVICE | | | | | | | | | |
| DATE OF PRESENT TOUR OF AD | | | B. PRESENT TERM OF ENLISTMENT & ETS | | | C. DATE OF ARRIVAL AT PRESENT STATION | | | |
| 27 Mar 69 | | | 2 yrs 26 Mar 71 | | | 27 Mar 69 | | | |
| PRIOR ACTIVE DUTY AT DATE OF PRE-ENLISTMENT | | | E. SPED | | | F. LAST DUTY STATION AND DATE DEPARTED | | | |
| None | | | 27 Mar 69 | | | None | | | |
| LAST OVERSEAS SERVICE (Area, Inclusive dates, and travel status code) | | | | H. NORMAL TOUR COMPLETE | | | I. FOR QUALIFIED (If "No" explain in Item 23) | | |
| None | | | | <input type="checkbox"/> YES <input type="checkbox"/> NO | | | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | |
| J. MUNICIPAL CONVICTIONS DURING CURRENT PERIOD OF SERVICE | | | | | | | | | |
| None | | | | None | | | | | |
| K. TIME LOST UNDER APP 20, SEC 6(A) MCM 1951 | | | | | | | | | |
| L/A | | | M. INDIVIDUAL HAS A CURRENT APPLICATION FOR ANOTHER TYPE DUTY ASSIGNMENT <input type="checkbox"/> YES <input type="checkbox"/> NO (If yes, indicate type and date submitted) | | | N/A | | | |
| DISLOCATION ALLOWANCE DATA | | | | | | | | | |
| EFFECTIVE DATE OF LAST REASSIGNMENT LIVING A PCS (computed in accordance with DOD 004.1 JTR) | | | B. DISLOCATION ALLOWANCE <input type="checkbox"/> WAS PAID <input type="checkbox"/> WAS NOT PAID | | | C. REASON FOR NON-PAYMENT | | | |
| N/A | | | N/A | | | N/A | | | |
| QUALIFICATIONS | | | | | | | | | |
| Score in PMOS | | PRIMARY MOS AND DATE AWARDED | | | DUTY MOS | | SCHOOL TRAINED <input type="checkbox"/> YES <input type="checkbox"/> NO | | |
| One | | None | | | 09800 | | DATE: N/A | | |
| SECONDARY MOS | | SCHOOL TRAINED <input type="checkbox"/> YES <input type="checkbox"/> NO | | | OTHER MOS | | | | |
| One | | DATE: N/A | | | None | | | | |
| APTITUDE TEST (Area Scores) | | | | | | | | | |
| 4 | | COB 1AD 119 | EL 100 | GM 119 | MM 122 | CL 117 | GT 102 | RC 112 | |
| 16. ENLISTED MEMBER <input type="checkbox"/> IS <input type="checkbox"/> IS NOT MARRIED TO A CITIZEN OF A FOREIGN COUNTRY. (If applicable, enter country) | | | | | | | | | |
| 17. LINGUISTIC ABILITIES AND DEGREE OF FLUENCY: None | | | | | | | | | |
| 18. PERSONNEL ACTION REQUESTED IN CONTRAVIENCE OF AR | | | 19. ENLISTED MEMBER (of fourth grade or below with less than four years service) HAS BEEN ADVISED THAT TRAVEL FOR HIS(HER) DEPENDENTS AT GOVERNMENT EXPENSE IS NOT AUTHORIZED | | | | | | |
| is not | | | None | | | | | | |
| 20. UNIT <input type="checkbox"/> IS <input type="checkbox"/> IS NOT UNDER AUTHORIZED STRENGTH | | | 21. ENLISTED MAN <input type="checkbox"/> IS <input type="checkbox"/> IS NOT SURPLUS TO UNIT IN PMOS | | | | | | |
| AUTHORIZED: N/A ACTUAL: N/A | | | AUTHORIZED: N/A ACTUAL: N/A | | | | | | |
| 22. INDIVIDUAL WILL BE APPLIED AGAINST OPO CONTROL AND TO: | | | | | | | | | |
| N/A | | | 23. REMARKS (Conduct, Efficiency, etc.) (Continue on reverse side) | | | | | | |
| GRADE: N/A | | | Conduct: Excellent Efficiency: Excellent | | | | | | |
| NAME AND GRADE OF UNIT PERSONNEL OFFICER | | | SIGNATURE | | | | | | |
| WILFRED A. CROSSON, CW2, USA, Asst AG | | | 66 | | | | | | |

GRUCA, Stanley L US51845280
SUBJECT: Discharge as a Conscientious Objector

TO: CO, 13th Bn, 4th Tng Bde FROM: CO, Co A, 13th Bn, 4th Tng Bde 29 May 69 CMT 2

1. Recommend disapproval.
2. PVI Gruca, Stanley L, has completed all phases of Basic Combat Training and has graduated with his cycle.
3. There appears to be a lack of evidence for claiming conscientious objector, according to PVI Gruca's statement.
4. PVI Gruca's duty MOS is 09B00.
5. PVI Gruca is not under investigation or pending trial by Courts Martial, or is he pending Physical evaluation board proceedings.
6. Not in contravention of AR 600-31.

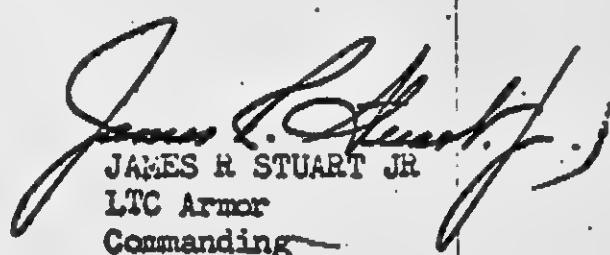


JAMES S BENNETT
CPT Inf
Commanding

AHBATC-TBD-A

TO: CO, 4th Tng Bde FROM: CO, 13th Bn 4th Tng Bde 4 June 1969 CMT 3

1. Recommend disapproval for discharge.
2. Concur with preceding comment and recommend PVI Gruca be awarded a non-combat MOS.
3. Not in contravention of AR 600-31.



JAMES R STUART JR
LTC Armor
Commanding

AHEATC-TBD-cH

CONSCIENTIOUS OBJECTOR APPLICATION

Commanding Officer
A-13-4

Asst 4th Bde Chap

4 Jun 69
Harano 45558

1. I have interviewed PVT Stanley L. Gruca US57845280 of A-13-4, USATCA concerning his application for Conscientious Objector status in the military service.

2. It is evident that his religious background does not offer him good credentials for basing his application upon religious training.

3. However, his feelings and convictions seem to be sincere and he has tried to change his status prior to his induction into the service. This indicates that he may have deep rooted sincerity toward non-combatant status.

4. This documentation is based on one interview with PVT Gruca, as the chaplain he saw earlier is not present.

Roger D. Harano

ROGER D.M. HARANO
Chaplain (MAJ), USA
Asst 4th Bde Chaplain

60

VC1 #11

29

REPORT OF PSYCHIATRIC EVALUATION

DATE:

13 June 69

C E R T I F I C A T E

1. I hereby certify that John, Stanley L. PFC E-3
(Name) (Grade)
03 51 815 230 A-72
Service Number) (Organization)
is examined on 13 June 69 at Mental Hygiene Consultation Service,
(Date) Fort Knox, Kentucky.

2. DIAGNOSIS: N/A

3. The above named individual was and is mentally responsible, able to distinguish right from wrong and to adhere to the right, and has the mental capacity to understand and participate in board proceedings.

4. PERTINENT HISTORY: This young man claims to be a conscientious objector. I can see no psychiatric problems to interfere with or alter his claim, but I have considerable difficulty accepting the validity of his remarks.

5. RECOMMENDATIONS: Psychiatrically cleared for administrative action.

NAME, GRADE, BRANCH (Print or Type)

JOHN B. CRAVEN, CPT, MC, PSYCHIATRIST

SIGNATURE

John B. Craven MD

SEE REVERSE SIDE FOR MEDICAL EVALUATION

AG 9839-O-Army-Knox-Sep 66-30M

ARMED FORCES
1 Sep 66 1172

69

30

RCI #12

ABATC-TED GRUCA, Stanley L.
US 51 845 280 (26 May 69)
SUBJECT: Discharge as a Conscientious Objector

TO CO, USAFCA FROM Co, 4th Trg Bde DATE 18 June 1969 CMT 4
ATTN: ABATC-AGTP

1. Recommend disapproval.
2. Based on a review of the attached documents, it does not appear that Private Gruca's objections to service with the military are based on religious beliefs and sincere personal feelings. Therefore, Private Gruca should not be discharged as a conscientious objector.
3. Not in contravention of AR 600-31.

John C. Hughes
JOHN C. HUGHES
Colonel, Infantry
Commanding

DEPARTMENT OF THE ARMY
HEADQUARTERS US ARMY TRAINING CENTER, ARMOR
FORT KNOX, KENTUCKY 40121

AHEATC-AGTP

25 June 1969

SUBJECT: Request for Discharge as a Conscientious Objector

TO WHOM IT MAY CONCERN

1. At 1100 hours, 23 June 1969, Private Stanley L. Gruca, US 51 845 280 appeared before the undersigned in connection with his application for discharge in accordance with paragraph 4d, AR 635-20, dated 22 January 1969.
2. Private Gruca did not have his counsel appear with him. His civilian lawyer talked to the interviewing officer by telephone from Cleveland, Ohio. Private Gruca's father and mother were present during the interview and on numerous occasions interjected their comments and opinions when Private Gruca was talking.
3. This soldier had little or no knowledge about the Bible, he stated that he does not go to church and can't remember the last time when he attended church. He indicated that he wants a discharge and will not serve in any status. He said that he believes the war in Vietnam is useless and he wants no part of it. Throughout the interview he was nervous and constantly looked to his parents for answers to questions offered by the undersigned. The applicant's parents are of different religions, Mr. Gruca is a member of the Polish Catholic Church and Mrs. Gruca is a protestant.
4. Private Gruca has completed all phases of basic combat training to include weapons qualification.
5. In view of the foregoing I recommend that Private Gruca's application for discharge as a conscientious objector be disapproved.

s/ Harold L. McDonald
HAROLD L. McDONALD
Major, AGC
Asst AG

DEPARTMENT OF DEFENSE
SUMMARY SHEET FOR REVIEW OF
CONSCIENTIOUS OBJECTOR APPLICATION

| | | |
|--|---|--|
| 1. DATE OF APPLICATION 6 May 1969 | 2. PLACE OF APPLICATION HQ, USAICA, Ft. Knox, Ky 40121 | 3. DATE OF SUMMARY SHEET 23 June 1969. |
| NAME IN FULL (Last - First - Middle) RUCA, Stanley Lawrence | | 4. SERVICE NO./SOCIAL SECURITY ACCOUNT NUMBER US578L5280/274-46-3108 |
| 5. DATE OF BIRTH (Y-M-D) 6 March 1949 | 6. MARITAL STATUS <input type="checkbox"/> MARRIED <input checked="" type="checkbox"/> SINGLE <input type="checkbox"/> OTHER (Specify) | 7. SELECTIVE SERVICE NO. 33-100-49-216 |

| | |
|--|--|
| <input checked="" type="checkbox"/> DISCHARGE (I-O) <input type="checkbox"/> NON-COMBATANT SERVICE (I-A-O) APPLIED FOR C. O. STATUS PRIOR TO ENTRY ON ACTIVE DUTY (If "Yes" indicate in Remarks the results. If "No" explain in Remarks why application was not made.) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | |
| WILLING TO PERFORM ALTERNATE CIVILIAN SERVICE (I-W) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | |

| | | | |
|--|--|---|--------------------------------|
| 9. GRADE OR YEAR COMPLETED (Line through all grades or years successfully completed) (Exclude trade or business schools) | 10. ELEMENTARY AND HIGH SCHOOL NONE | 11. COLLEGE 1 2 3 4 | 12. POST GRADUATE 1 2 3 4 5 |
| 13. CIVILIAN OCCUPATION Laborer | 14. NAME AND ADDRESS OF LAST EMPLOYER US Concrete Pipe Co., Diamond, Ohio | | |
| 15. ENTERED SERVICE BY <input type="checkbox"/> ENLISTMENT <input checked="" type="checkbox"/> INDUCTION <input type="checkbox"/> OTHER | 16. DATE ENTERED ON ACTIVE DUTY 27 Mar 69 | 17. DATE ENTERED ON ACTIVE DUTY 27 Mar 69 | |
| 18. MONTHS OF ACTIVE DUTY 108 | 19. BRANCH OF SERVICE <input checked="" type="checkbox"/> ARMY <input type="checkbox"/> NAVY <input type="checkbox"/> AIR FORCE <input type="checkbox"/> MARINE CORPS | 20. COMPONENT <input checked="" type="checkbox"/> REGULAR <input type="checkbox"/> RESERVE | |
| 21. DECORATIONS, MEDALS, BADGES, COMMENDATIONS, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED SM AR 672-5-1 | | | |

| | |
|---|--|
| 22. APPLICANT'S CHURCH MEMBERSHIP AND DATE OF JOINING | |
| 23. APPLICANT'S PARENTS' CHURCH MEMBERSHIP | |
| Mother - Polish Catholic Church Mother - Protestant (no church membership given) | |
| STATEMENTS ATTACHED | |
| EXPLAIN: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If "No" explain in Remarks) | |
| REMARKS | |
| Appealed by LB #100, Ravenna, Ohio.Appealed - disapproved. | |
| Reviewed by Major Mc Donald, Chief, TPD, no counsel, parents came. 23/6/69 | |

| | | |
|----------------------|-------------------------------------|---|
| 24. COMMENDED ACTION | | 25. FOR SELECTIVE SERVICE REVIEW COMMITTEE USE ONLY |
| 26. TYPE OF ACTION | 27. TYPED NAME, TITLE AND SIGNATURE | |

| | | |
|--------------------------------------|--------|--------|
| 28. FORM FEB 67 1589 C/ET/5 | 29. 72 | 30. 43 |
|--------------------------------------|--------|--------|

AHBATC-AGTP GRUCA, Stanley L., US 51845280/274-46-3408 (26 May 69)
SUBJECT: Discharge as a Conscientious Objector

TO: The Adjutant General FROM: Commanding Officer DATE: 26 Jun 69 GMT 5
Department of the Army USATC Armor
ATTN: AGPO-SS Fort Knox, Kentucky 40121
Washington, D. C. 20315

1. Recommend disapproval.
2. Based on a review of application, it does not appear EM's conscientious objection is based on religious training and belief for the following reasons:
 - a. EM does not have membership in a church nor can he recall the last time he attended any church.
 - b. Previous request for classification as a conscientious objector through EM's local board was denied, the action appealed and was denied again.
3. Not in contravention of AR 600-31.

FOR THE COMMANDER:

6 Incl
Added 6 Incl
1. Stmt fr Chaplain
2. Psychiatric Evaluation
3. Stmt fr EM's Mother
4. Addition to Incl #1
5. DD Form 1589
6. Recommendation

EDWARD E. SAMPSON
LTC, AGC
Adjutant General

ACPO-SS Gruca, Stanley L.
US 51345280 (25 May 69)

7/4

Director of Selective Service
1724 F Street, N. W.
Washington, D. C. 20435

Dear Sir:

Request an advisory opinion be furnished this office as to the proper classification of Private Stanley L. Gruca, US 51345280/274-46-3403, under the Military Selective Service Act of 1967.

Private Gruca's request for discharge with evidence, is attached.

Sincerely,

I Incl
As Stated

KENNETH G. WICKHAM
Major General, USA
The Adjutant General

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OFFICE OF THE DIRECTOR

NATIONAL HEADQUARTERS
SELECTIVE SERVICE SYSTEM
1724 F STREET NW.
WASHINGTON, D.C. 20435

ADDRESS REPLY TO
THE DIRECTOR OF SELECTIVE SERVICE

August 1, 1969

The Adjutant General
Department of the Army
Washington, D. C. 20315

Subject: Stanley L. Gruca
US 51845280
SS No. 33 100 49 216
Your Reference: AGPO-SS

Dear General Wickham:

This is in reply to your request, reference as above, for our review of the application of Private Stanley L. Gruca for discharge from the U. S. Army on the grounds of conscientious objection.

Based on the information contained in the applicant's file, which you have furnished us, it is the opinion of this Headquarters that Private Gruca would not be classified as a conscientious objector if he were being considered for classification under the Military Selective Service Act of 1967, at this time.

Your file is returned.

For The Director

G. J. WENDEL

G. J. WENDEL
Colonel, OrdC
Assistant to the Director

Enclosure

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RECORD OF DA CLASS 1 - O CONSCIENTIOUS OBJECTOR REVIEW BOARD ACTION

DATE
25 Aug 69

I. THE DA CLASS 1 - O CONSCIENTIOUS OBJECTOR REVIEW BOARD IS CONVENED PURSUANT TO COMPETENT AUTHORITY TO CONSIDER REQUEST FOR DISCHARGE FOR CONSCIENTIOUS OBJECTION FROM --

| | | |
|----------------------------|------------------------|---|
| NAME CUCA, STANLEY L. | SSAN 276-34-3408 | GRADE PV1 |
| ANIZATION A-13-4 USATCA | STATION Ft Knox, KY | DATE OF APPL 26 May 69 REC'D 3 JUL 69 |

II. INFORMATION REQUIRED

| | |
|--|---|
| Is chaplain's report included? | X |
| Is psychiatrist's report included? | X |
| Is commander's recommendation with reasons included? | X |
| Is a record of interview and recommendations of Captain (O-3) or above included, or if waived, | X |
| Is statement by applicant included? | X |
| Is a completed DD Form 1589 included? | X |
| Is individual flagged UP AR 600-31? | X |
| Is Selective Service System opinion obtained? | |

III. THIS SECTION IS USED TO INDICATE INDIVIDUAL VOTE AND TO RECORD DECISION OF BOARD

| | APPROVE | DIS-APPROVE |
|--------------------------------------|---------|-------------|
| Recommendation of board president | | ✓ |
| Recommendation of board member No. 2 | JAG | ✓ |
| Recommendation of board member No. 3 | CH | ✓ |
| Recommendation of board member No. 4 | | ✓ |
| Decision of board | | |

IV. IF APPLICATION IS DISAPPROVED, REASON FOR DISAPPROVAL

25 Aug 69

Based solely on conscientious objection which existed, but which was not claimed prior to induction, enlistment, or entry on active duty or active duty for training.

Based solely on ~~professed views~~ claimed and denied by the Selective Service System prior to induction, ~~and~~

Based on essentially political, sociological, or philosophical views, or on a merely personal moral code.

Based on objection to a particular war.

Based on personal religious or philosophical views regarding strong religious training or belief.

Substantially the same as previous application disapproved by Headquarters, DA.

Other

MARKS (Use reverse for additional space, if required.)

Based on ~~professed views~~ against participation in war prior to induction which are sincerely held.

| | |
|-------------------------------------|--|
| NAME OF PRESIDENT JAMES O. RILEY | SIGNATURE OF PRESIDENT James O. Riley |
| NAME OF RECORDER JAMES F. WOOD | SIGNATURE OF RECORDER J. F. Wood 76 |

AGPO-SS Gruca, Stanley L.
SSAN 276-34-3408

25 APR

SUBJECT: Separation

THRU: Commanding Officer
USATC Armor
ATTN: AHBATC-AGTP
Ft. Knox, KY 40121

TO: Private Stanley L. Gruca
Co A, 13th BN, 4th Inf Bde
USATC Armor
Ft. Knox, KY 40121

1. Reference application for separation as conscientious objector dated 26 May 69.

2. Separation approved, PMS. disapproved.

3. Authority:

- Section II, Chap 5, AR 635-200, SPN 21L
- Section IV, Chap 5, AR 635-200, SPN 314
- Section VIII, Chap 5, AR 635-200, SPN 41C
- Section VIII, Chap 5, AR 635-200, SPN 413
- Section IX, Chap 5, AR 635-200, SPN 414
-

4. Comments: Based on professed views against participation in war prior to induction which are not truly held.

BY ORDER OF THE SECRETARY OF THE ARMY:

1 Incl
Appl w/5 ents
16 Incl

Adjutant General

77

31 01

RR

UUUU

10

DA TAG WASH DC
CO USATC ARMOR FT KNOX KY

UNCLAS

AGPO-SS FOR AHBATC-AGTP

SUBJ: APPL FOR SEP AS CONOBJTR

APPL SBR BY PVI STANLEY L GRUCA, SSAN 276-34-3408, CO. A, 13TH BN,
3TH BDE, USATCBA, IS DISAPPROVED. CORR WILL FOLLOW.

L. KRAMER, ASST CHIEF, AGPO-SS
56942
RODNEY E HURT, MAJ, AGC, CHIEF
ENL SEP SEC, SEP BR, TAGO 56942

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UNCLAS

2

DEPARTMENT OF THE ARMY
Class 1-O Conscientious Objector Review Board

26 AUG 1969

Opinion of the Board in the case of Stanley L. Gruca
SSAN 274-46-3408

1. The Board finds that Gruca's professed views became fixed prior to his entry into the active military service. Under para 3, AR 635-20, 22 Jan 69, consideration may only be given to requests for separation based upon objection to participation in war which developed, became fixed, subsequent to entry into the active military service. Accordingly, Gruca's request may not be favorably considered. This finding is based upon the following facts in the record.

a. It is clear that Gruca's professed views against participation in war because of religious convictions existed prior to his induction because he requested classification as a conscientious objector to his local Selective Service Board. "When I filled out my first questionnaire of the draft board, I had thought about signing my name to the conscientious objector question, but I wasn't quite sure if I was a conscientious objector and the form said not to sign that statement unless I was. But I started talking to my parents about non-violence and killing was wrong. I began to think more strongly that all kinds of people was wrong whether it would be war or just killing someone on the street. At the time I sent for the form 150 for conscientious objectors, I knew that couldn't conscientious or morally take the life of another human being."

b. Not only did Gruca apply to his local Selective Service Board for classification as a conscientious objector, he appealed their adverse decision to the state appeals board. In a letter dated 6 Oct 68, Gruca wrote to his local Selective Service Board, "I am appealing my 1-A Classification that the local board gave me on my conscientious objector form."

2. The Board finds that Gruca does not truly hold views against participation in war in any form which are derived from religious training and belief. Gruca lacks sincerity in the sense that he does not possess the depth of religious conviction to qualify as a conscientious objector under AR 635-20. It is clear that depth of religious conviction is a integral factor in determining conscientious objection, because para 42 (2), requests from the applicant, "A description of the actions and behavior in the applicants life which, in his opinion, most conspicuously demonstrates the consistency and depth of religious convictions which gave rise to claim." This finding is based on the following facts in the record.

a. The hearing officer, MAJ Harold L. McDonald, found Gruca's sincerity lacking. "This soldier had little or no knowledge about the Bible, he stated that he does not go to church and can't remember the last time when he attended church. He indicated that he wants a discharge and will not serve in any status. He said that he believes the war in Vietnam is useless and wants no part of it. Throughout the interview he was nervous and constantly looked to his parents for answers to questions offered by the undersigned." The Board is aware that a person may qualify for conscientious objector status even though he does not regularly attend church. However, MAJ McDonald's remarks in this regard are relevant in determining the sincerity of Gruca.

b. After personally interviewing Gruca, Chaplain Roger D. M. Marano stated, is evident that his religious background does not offer him good credentials basing his application on religious training."

c. Gruca's lack of sincerity was evident to the psychiatrist who interviewed "as he states, "I have considerable difficulty accepting the validity of his marks."

Action by the Board

DISAPPROVAL

James F. Wood
JAMES F. WOOD
Major, ACC
Recorder

MEMORANDUM

The Court will enter an order discharging the rule to show cause. The Court will also deny the petition for a writ of habeas corpus.

The attorneys for respondent are to submit a proposed order discharging the rule as well as proposed findings of fact and conclusions of law with respect to the petition for a writ of habeas corpus, etc.

w/ Burdette Shattuck Matthews
JUDG.

December 17, 1969.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
(Filed Jan. 5, 1970)

This matter having come before the Court on a petition for a writ of habeas corpus the rule to show cause having been issued; whereupon the Court having considered the petition, the memorandum

in support thereof, the return and answer and exhibits filed therewith, and having heard the argument of counsel, make the following findings of fact:

1. Petitioner, Stanley L. Gruca, registered with Selective Service Board No. 100, Portage County, Ravenna, Ohio on April 14, 1967. He did not claim to be a conscientious objector at that time, and was granted a student deferment of 1 SII.
2. On March 16, 1968, petitioner completed a Selective Service current data questionnaire, indicating he was no longer eligible for a student deferment, and again failed to assert any claim for exemption by reason of conscientious objection.
3. On May 13, 1968, petitioner underwent a physical examination and was found acceptable for induction. He was notified of this fact on May 20, 1968.
4. On June 20, 1968, petitioner requested that he be supplied with a Selective Service Form 150 for the purpose of applying for classification as a conscientious objector.
5. Petitioner completed the Form 150 on July 3, 1968, wherein he described the nature of his beliefs as follows:

The Supreme Being said that all people was to be created equal and to love thy neighbor.
That is my belief.

He stated that he received the training and acquired the belief forming the basis of his claim from his parents and a neighbor. He also asserted that he was not a member of a religious sect or organization.

6. Petitioner appeared before Local Board 100 on September 10, 1968, for a personal interview. He informed the Board that he had no religious affiliation, and that his feelings concerning violence had developed approximately a year and a half before. The only event he could recall which was causally related to his newly formed conscientious objection to participation in war was a conversation with his mother in which she told him that all violence was wrong.

7. On September 11, 1968, petitioner was classified I A. This decision was appealed, and was affirmed by the Selective Service Appeal Board on November 6, 1968.

8. On February 19, 1969, petitioner was ordered to report for induction on March 27, 1969.

9. On March 27, 1969, petitioner was inducted into the United States Army. He received his basic training at Fort Knox, Kentucky.

10. On May 26, 1969, petitioner applied for discharge from the Army by reason of conscientious objection pursuant to Army Regulation 635-20.

11. In connection with this application, petitioner was interviewed by an Army chaplain, a psychiatrist, and an officer knowledgeable in conscientious objector matters.

12. In his application pursuant to AR 625-20, petitioner stated his beliefs as follows:

I believe in a Supreme Being. It stated in the Bible that all men are created equal. Thy shall not kill. It is not right to kill anybody regard of race, creed, or color.

He also stated that he relied on his mother for religious guidance and did not belong to any religious sect.

13. The psychiatrist who examined petitioner stated that he had "considerable difficulty accepting the validity of his remarks." Major McDonald, the officer knowledgeable in conscientious objector matters, reported petitioner to be nervous at the interview and

unable to answer questions without assistance from his parents. He also noted that petitioner "had little or no knowledge about the Bible, he stated that he does not go to church and can't remember the last time when he attended church." Major McDonald also stated that petitioner was opposed to the Viet Nam war. He recommended that the application for discharge be disapproved. The third interviewing officer, Chaplain Harano, noted that petitioner lacked religious training, but that "his feelings and convictions seem to be sincere." He recommended non-combatant service for petitioner.

14. Based on these interviews, petitioner's application under Army Regulation 635-20, and petitioner's Selective Service application for exemption, the Adjutant General denied the application for discharge by reason of conscientious objection. He found that petitioner's claim for discharge was "Based on professed views against participation in war prior to induction which are not truly held."

15. After receiving orders to report to Fort Lewis, Washington, for transfer to Viet Nam petitioner filed on November 10, 1969 a petition for a writ of habeas corpus in the United States District Court for the Western District of Oklahoma. That petition was dismissed for lack of jurisdiction because the petitioner was then

accountable to Army Headquarters in the District of Columbia.

16. On November 20, 1969, petitioner filed the instant petition for a writ of habeas corpus in which he alleged that the Selective Service Board had no basis in fact for denying his application for exemption from military service by reason of conscientious objection. Alternatively, petitioner alleged that the decision of the Army in denying his application for discharge pursuant to Army Regulation 635-20 had no basis in fact and was arbitrary and capricious.

17. A rule to show cause was issued to the respondent on November 20, 1969, and made returnable on December 5, 1969. On December 5, 1969, this Court heard argument.

Conclusion of Law

1. The decision of the Selective Service Board denying petitioner classification as a conscientious objector is not subject to review by this Court since the petitioner by submitting to induction, serving in the Army, and filing an application for discharge pursuant to Army Regulation 635-20, waived the right to challenge his classification. Army Regulation 635-20, §3b.

2. Alternatively, this Court concludes that the record before the Selective Service Board contains a basis in fact for denying petitioner a classification as a conscientious objector.

3. The Army denial of petitioner's application for discharge under Army Regulation 635-20 was valid and in accordance with Department of Defense Directive 1300.6 and AR 635-20; paragraph 3 b (2).

4. In addition, the application for discharge pursuant to Army Regulation 635-20 was properly denied since the record affords a basis in fact for the finding that petitioner is not a sincere conscientious objector.

WHEREFORE, it is by the Court this 5 day of January 1970
ORDERED that the rule to show cause be discharged and the petition for a writ of habeas corpus be dismissed, and it is

FURTHER ORDERED that petitioner's application for a stay of his order transferring him to Viet Nam pending appeal in this matter be and the same is hereby denied, it having been represented to the Court that he will not be transferred until ten days from the date of this order.

S. Butcher, Sheltren Matthews
W.M.C.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23,840

STANLEY LAWRENCE GRUCA,

Appellant,

v.

SECRETARY OF THE ARMY,

Appellee.

Appeal from the United States District Court
for the District of Columbia

REPLY BRIEF FOR APPELLANT

United States Court of Appeals
for the District of Columbia Circuit

FILED MAY 19 1970

Joseph Forer
David Rein
Forer & Rein
711 14th St., N.W.
Washington, D.C. 20005

Attorneys for Appellant

Stanley J. Gruca
CLERK

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UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23,840

STANLEY LAWRENCE GRUCA,

Appellant,

v.

SECRETARY OF THE ARMY,

Appellee.

Appeal from the United States District Court
for the District of Columbia

REPLY BRIEF FOR APPELLANT

I. The Selective Service Classification.

A. Waiver.

The government argues that Gruca waived his right to challenge his Selective Service classification because he waited seven months after induction before bringing a habeas corpus action.* This is a different ground than those which the trial court assigned to support its waiver ruling and the vacuity of which we asserted in

*We are unable to cite pages of the government's brief because we have not yet received its printed brief.

our principal brief (pp. 12-13). The government's ground, however, is no better than the court's. It contradicts the firmly established principle that the remedy of habeas corpus is subject to no limit of time. Pennsylvania ex rel. Herman v. Clady, 350 U.S. 116, 123 (1956); United States v. Smith, 331 U.S. 469, 475 (1947). Moreover, seven months is not a significant delay, especially considering that Gruca was a 20-year-old youth stationed far from home and that his application for an administrative discharge was being processed for three of those months.

B. The merits.

The government recognizes that Gruca made out a *prima facie* case in his claim to the Selective Service System and that therefore the System's denial of his claim must be supported by something which discredits his sincerity. See our principal brief, p. 16. The government adds that since Gruca's case "consisted essentially of his own representations," "the board needed few facts in the record to justify its finding."

But though a Local Board may need little to justify a finding of insincerity, it must, as a matter of reason, at least (a) make such a finding and (b) give some rational reason for the finding -- including, if relevant, an observation of demeanor. See our principal brief, pp. 16-17. The government admits that, "The

local board did not expressly find that appellant was insincere." And there is nothing to support the government's contention that such a finding "may be reasonably inferred." It is irrational to speculate that the Board "may well have reasonably inferred" from Gruca's inarticulateness that he "was being evasive or uncooperative." If that was the Board's analysis, it could easily have said so.

The government contends that the Board properly relied on Gruca's lack of formal religious affiliation because such non-affiliation "was probative on the issue of his sincerity." The Local Board, however, in no way indicated that the non-affiliation was regarded by it as an indicium of insincerity. More important, although failure to attend church may indicate insincerity on the part of one who claims his pacifist scruples derives from the church, it cannot rationally so indicate as to Gruca, who derived his beliefs not from a church but from his non-church-going parents. The government's reasoning simply evades the rule that the conscientious objection exemption may not be denied because of non-affiliation with any religious denomination. See our principal brief, p. 15.

II. The Army Application.

A. Pre-fixed views.

The government argues that the Conscientious Objector Review Board correctly found that Gruca's views were fixed prior to

induction because his claim to the Army was "identical" with his claim to the Selective Service System. The government contradicts this assertion in the very next breath by quoting from Gruca's Army application his statement that after he entered the Service his "convictions became stronger against killing and war and being in the Army." By definition, a "fixed" belief is one which does not change, and strengthening is a change. Nor is a strengthened belief "identical" with the prior belief.

The government says that the content of Gruca's belief was not "new." But under paragraph 3b. of AR 635-20, applicants are disqualified not because their views lack a new content, but only if their views were "fixed" prior to induction.

B. The merits.

The government contends that Major McDonald's report supplies evidence of doubtful demeanor, and emphasizes McDonald's statement that Gruca looked to his parents during the interview. Neither McDonald nor the Board ever stated, however, that this circumstance was considered indicative of insincerity. And the fair reading of the Review Board's discussion of the McDonald passage is that it was impressed only by his remark that Gruca had little or no knowledge about the Bible and did not attend church. See our principal brief, p. 26 and A. 79.

The government contends that Gruca's lack of Biblical knowledge and non-attendance at church "are certainly not facts consistent with the image that he sought to create of a religious person opposed to war on the basis of biblical teachings."

We have already discussed the fallacy in the government's view that Gruca's failure to attend church was evidence of insincerity. His lack of Biblical knowledge has no greater probative value. If Gruca had claimed that he had derived his beliefs from studying the Bible, the subject would be relevant. But this was not Gruca's claim. According to his application, he derived his beliefs from the commandment thou shalt not kill and Jesus' teaching to love thy neighbor as thyself. But this knowledge of those scriptural admonitions came not from the Bible but from what his parents taught him. See our principal brief, p. 24; A. 60-61. The fact that his parents did not also teach him fine points regarding Exodus or Revelations cannot rationally impugn the sincerity of Gruca's religious conviction against killing.

Respectfully submitted,

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UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23,840

United States Court of Appeals STANLEY LAWRENCE GRUCA, Appellant
for the District of Columbia Circuit v.

LED NOV 5 1970 SECRETARY OF THE ARMY, Appellee

Nathan J. Paulson
CLERK

Appeal from the United States District Court
for the District of Columbia

PETITION FOR REHEARING AND SUGGESTION FOR REHEARING EN BANC

Appellant petitions for a rehearing of the decision dated October 23, 1970, affirming the dismissal of appellant's petition for a writ of habeas corpus. Appellant also suggests the appropriateness of a rehearing en banc.

We submit that the decision below is based on erroneous principles, resulting in a grave injustice to petitioner and establishing a precedent which can produce like untoward results in other conscientious objector cases.

1. The Action of the Local Board

The Court holds that the Local Board denied Gruca's application for conscientious objector status on a finding of insincerity and that there is a basis in fact for the finding. The Court recognizes that the Local Board did not make an express finding of insincerity, but it "garner[s]

the basis of the Board's action" (slip op. 12) from the secretary's notes of Gruca's Board interview (slip op. 10-11, n.2).

The interview notes contain certain observations which the Court considers relevant to sincerity -- that Gruca's decision was "very recent," and was based on a conversation with his mother, before which he had not given much thought to the subject (slip op. 12). The Court also had "a troubling suspicion . . . kindled" by a reference to Gruca's inarticulateness (slip op. 13).

We submit that the record does not support the Court's conclusion that the Local Board found Gruca insincere. The interview notes on which the Court based its conclusion contain references to matters which are not relevant to sincerity and which indicate the very real possibility that the Board reached its decision -- made before Welsh v. United States, 398 U.S. 333 (1970) -- by concluding, on the basis of criteria improper under Welsh, that Gruca's professed beliefs did not qualify him for 1-O classification. Thus the interview notes report that Gruca "does not have any religious affiliation," "has two older brothers who are in the National Guard," and "likes to hunt and fish occasionally" (A.42).

Moreover, the interview notes are not the best source in the record from which to garner the Board's reasons. A more authoritative source for the Board's reasons is furnished by the entries in the formal "Minutes of Action," which are the equivalent of a court's docket. The entries for September 10, 1968, the date of the interview, read as follows (A. 27):

"9-10-68. The registrant appeared before the local board at the boards request and according to regulations. The Board wished to determine the registrant's request for a Conscientious Objector classification. The registrant's reason for request,

apparently stemmed from a conversation with his mother stating that all violence was wrong against every living thing, this conversation being held approximately a year to a year and a half ago. The registrant nor his family attend church and have no religious affiliation except a Roman Catholic background of the parents. The registrant either could not or would not express his views to any degree. The board reopened his classification.

"9-10-68. 1-A."

It is apparent that this entry gives at least as much attention to impermissible criteria -- failure to attend church, absence of formal religious affiliation, Gruca's inability to express himself -- as to those matters which the Court considers relevant to sincerity. Yet, if the Local Board did not rely on these impermissible matters, it is impossible to understand why it recorded them on its formal docket.

The probability is that the Board never made a finding one way or the other on Gruca's sincerity. Most likely it simply came to an impressionistic conclusion, based on a melange of permissible and impermissible considerations, that Gruca somehow did not qualify. It certainly cannot be said with any confidence that Gruca was not disqualified because of his inarticulateness or because he was not a church-goer.

It is settled that where a local board relies on both permissible and impermissible considerations, its classification has "no basis in fact" and is invalid. See authorities cited in our principal brief, p. 14. The Court should have applied this principle to invalidate the Board's 1-A classification of Gruca.

The Court, troubled by the Board's reference to Gruca's inarticulateness, expresses a fear that, "Unless local board are very careful, however, it will develop as a practical matter that a registrant's sincerity is determined by his ability to appear sincere" (slip op. 14-15). The

Court nevertheless adds, "All we can do to minimize the injustice involved is to bring it to the attention of the local boards and to emphasize the need to consider this, along with all other factors in evaluating a registrant's claim" (slip op. 16).

This course, however, does not minimize the apprehended injustice, nor is it all that the Court can do. Admonitions by the Court can be effective if addressed to a lower court, but admonitions will never reach, much less be heeded by, the thousands of local boards. The way to minimize the injustice, therefore, is not by admonition, but by setting aside classifications for which local boards fail to give explicit, intelligible reasons or if the reasons include impermissible ones. This is the principle of Sicurella v. United States, 348 U.S. 385, 392 (1955), and of other Circuits. See, e.g., United States v. James, 417 F. 2d 826, 832 (4th Cir. 1969): "Where the local board's conclusion may be explainable upon alternate grounds, both legally acceptable and unacceptable, the risk is too great that we would place an imprimatur upon an insupportable basis of decision if we were to accept the government's contention."

2. The Army's Action

After Gruca was inducted, he applied for discharge under the Army Regulation which provides for the release of a serviceman who has developed conscientious objection "subsequent to entry into the active military service." His application to the Army was fuller and more articulate than that he had made to the Selective Service System (see our principal brief, p. 24) -- a not unnatural result of his exposure to new experiences. The Court,

however, "finds it unnecessary to delve into the merits of the Army's ruling," holding that the record does not indicate that Gruca's conscientious objection developed subsequent to his entry into the military service.

Slip op. 3, n. 1.

But if Gruca was not a conscientious objector before he entered the Service, it does not follow that he did not become one after induction. The only way to tell whether there was a basis in fact for the Army's finding that he was not one at the later time is by doing exactly what the Court declined to do, "to delve into the merits of the Army's ruling." It is incongruous and unfair that Gruca should be denied relief by his Local Board on the ground that he was not a conscientious objector before induction, and refused Court review of his Army claim on the ground that his current conscientious objection was not developed after induction.

The Court's refusal to review the Army's determination is contrary to the record as well as illogical. For the record shows that Gruca's beliefs developed and matured after his induction.

The supposed finding of insincerity made by the Local Board was obviously not a finding that Gruca lied. The facts on which the finding is based (if there was a finding) were supplied by Gruca himself. The most these facts indicate is not that Gruca deliberately falsified his beliefs, but that they derived from such a slim experience (a recent conversation with his mother) that the Board could properly find that his beliefs were not sufficiently intense and mature to be those of a genuine conscientious objector.

Gruca's application to the Army stated, however, that after he

entered the Service, his convictions against killing and war became stronger as a result of his confrontation with combat training. As Gruca explained: "When I was on the rifle range I knew I was only shooting at targets but I always thought about what if it was a person. I knew if it was I couldn't shoot at them. When I took bayonet practice it was only training and I knew I could not take another human being's life. When I took hand-to-hand combat it was violent and affected me deeply and I knew that I could never do anything like that." (Quoted in our principal brief, p. 22.).

As we showed in our principal brief (pp. 24-28), Gruca's Army application clearly made out a *prima facie* case of conscientious objection, and there is no factual basis for finding that his claim was insincere. The fact that the Local Board found that he was not qualified before induction does not negate, but strengthens, Gruca's showing that his conscientious scruples matured to the necessary degree after induction. Accordingly, the Court should have reviewed and set aside the Army's denial of Gruca's application.

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